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JOINT APPENDIX

IN THE

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA

No. 12,797

JOHN T. WATKINS, *Appellant,*

v.

UNITED STATES OF AMERICA, *Appellee*

**APPEAL FROM THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF COLUMBIA**

349 **UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF COLUMBIA**

Criminal No. 1153-54

UNITED STATES OF AMERICA

v.

JOHN T. WATKINS

➤ **Filed June 13, 1955—Harry M. Hull, Clerk**

NOTICE OF APPEAL

**Name and address of appellant: John T. Watkins, 1224 44th
Avenue, Rock Island, Illinois.**

**Name and address of appellant's attorney: Joseph L. Rauh,
Jr., 1631 K Street, N. W., Washington 6, D. C.**

**Offense: Refusal to answer questions before Committee on
Un-American Activities of House of Representatives in vio-**

lation of 2 U.S.C. 192. Concise statement of judgment or order, giving date, and any sentence. Convicted May 27, 1955. Sentenced June 10, 1955 to pay a fine of \$500 and imprisonment for one year, the sentence with respect to imprisonment being suspended and defendant placed on probation.

Name of institution where now confined, if not on bail.

I, the above-named appellant, hereby appeal to the United States Court of Appeals for the District of Columbia Circuit from the above-stated judgment.

JUNE 13, 1955

JOHN T. WATKINS,

Appellant.

JOSEPH L. RAUH,

Attorney for Appellant.

INDICTMENT

290 The Grand Jury charges:

INTRODUCTION

On April 29, 1954, in the District of Columbia, a subcommittee of the Committee on Un-American Activities of the House of Representatives was conducting hearings, pursuant to Public Law 601, Section 121, 79th Congress, 2d Session, (60 Stat. 828), and to H. Res. 5, 83d Congress.

Defendant, John T. Watkins, appeared as a witness before that subcommittee, at the place and on the date above stated, and was asked questions which were pertinent to the question then under inquiry. Then and there the defendant unlawfully refused to answer those pertinent questions. The allegations of this introduction are adopted and incorporated into the counts of this indictment which follow, each of which counts will in addition merely describe the question which was asked of the defendant and which he refused to answer.

Count One

Do you know Harold Fisher to be a member of the Communist Party?

Count Two

Did you know Charles Hobbe to be a member of the Communist Party?

Count Three

Did you know Henry Mack to be a member of the Communist Party?

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Count Four

Do you know Ernest DeMaio to be a member of the Communist Party?

Count Five

Do you know him [Ernest DeMaio] to have ever been a member of the Communist Party?

Count Six

Did you know Charles Killinger to be a member of the Communist Party?

Count Seven

Mr. Watkins, I am going to read a list of names to you. I will read it slowly—and I am going to ask you—these are all names identified as members of the Communist Party by Mr. Rumsey in his testimony in Chicago. I am going to read the list and ask you whether you ever knew any of these people to be members of the Communist Party: Lee Landbaker; Morris Childs; Dorothy Hillyerd; Theo. Kruse; Charles Lawson; Olaf Lidel, L-i-d-e-l; Sarah Levine; Murray Levine; Harriet Leuth, L-e-u-t-h; Herbert Marsh; Ajay Martin; Harold Metcalf; John Milkevitch; Grant Oakes; Joe Ruick, R-u-i-c-k, or alias Joe Webber; Frank Rogers; Arthur Saunders; Seymour Siporin; Joseph Stern; George Teeple, T-e-e-p-l-e; Ray Teeple; Donald Tieglan, T-i-e-g-l-a-n; Rex Wielock; John Wilson; Marie Wilson; Mrs. John Wilson. Do you know any of those names I just read to you to have been members of the Communist Party?

LEO A. ROVER,

*United States Attorney in and for
the District of Columbia.*

A True Bill:

WILSON T. M. BEALE,

Foreman.

295 Filed December 8, 1954—Harry M. Hull, Clerk

PLEA OF DEFENDANT

On this 8th day of December, 1954, the defendant, John T. Watkins, by his attorney, Sidney Sachs, Esquire, being arraigned in open Court upon the indictment, the substance of the charge being stated, pleads not guilty thereto.

Defendant is granted until January 10, 1955, to file motions.

296 Filed Jan. 10, 1955

*Motion to Dismiss the Indictment or
for Preliminary Hearing*

The defendant moves that the indictment be dismissed on the following grounds:

1. The indictment is void and illegal in that there were less than 12 members of the Grand Jury who concurred in finding the indictment who were free from prejudice or bias against this defendant, by reason of the facts stated in the affidavit of Joseph L. Rauh, Jr. attached hereto and made a part hereof.

2. The offenses with which defendant is charged are in fact a single offense. The indictment is invalid, therefore, in that it charges the defendant with many offenses, whereas if guilty he has committed only one offense.

In the alternative, the defendant should be granted a hearing at which he can determine which grand jurors concurred in finding the indictment and offer proof by examination of the grand jurors and otherwise that bias or prejudice existed on the part of the requisite number of the grand jurors.

JOSEPH L. RAUH, JR.,
1631 "K" Street.

Filed Jan. 10, 1955

Affidavit

JOSEPH L. RAUH, JR., being duly sworn, deposes and says that:

1. I am one of the attorneys for the defendant named in the above bill of indictment.

2. This affidavit is made in support of the Motion to Dismiss the indictment on the ground that it is void and illegal in that the grand jury which voted the indictment was illegally constituted as to this defendant.

3. On information and belief, more than 11 members of the grand jury which voted this indictment are biased and prejudiced against the defendant and unable to exercise an independent judgment, by reason of the fact that they, or close associates, including relatives, were employed by or were seeking employment with the United States or the District of Columbia Government.

4. I have been informed that the grand jury records in this Court show that 11 of the 23 members of the grand jury which voted the indictment against this defendant were employed by the Government of the United States, that the Foreman was employed by the Department of State, that the Deputy Foreman by the Department of the Navy, and that two of the grand jurors were employed by the District of Columbia Government.

299 5. It is my belief that close associates, considering the number of government employees in this jurisdiction, including relatives, of additional grand jurors were employed by the United States or the District of Columbia Government. Corroboration of this belief can be obtained as a practical matter only from examination of the grand jurors at a hearing or from examination of records not presently available to the affiant.

6. I have been informed that the grand jury records in this Court show that two of the members of the grand jury are listed as unemployed. It is my belief that these grand jurors and close associates, including relatives, of additional grand jurors have been seeking employment with the United States or District of Columbia Government. Corrob-

oration of this belief can be obtained as a practical matter only from examination of the grand jurors at a hearing or from examination of records not presently available to the affiant.

7. The alleged contempt occurred before the House Committee on Un-American Activities. Said Committee was committed by Congress to investigate "the diffusion within the United States of subversive and un-American propaganda that . . . attacks the principle of the form of government as guaranteed by our Constitution." The official, public transcript of defendant's testimony before the Committee establishes that the Committee considered him to be or to have been a Communist. The transcript also establishes that the questions on which the indictment is based relate to defendant's alleged association with purported Communists and members of the Communist Party. All of the above information was available to the grand jury and it is reasonable to believe that the grand jury was informed of it.

8. Communism, membership in the Communist Party, or association with the members of the Communist Party, present and past, has come within the past seven or eight years to have discreditable connotations, and to subject persons accused of such associations to disrepute, to economic losses, and to possible criminal or administrative action. Congress, in the Communist Control Act of 1954, Public Law 637, 83rd Cong., 2nd Sess., 23 U. S. Law Week 57, declared the Communist Party to be illegal.

9. The grand jurors who voted this indictment were asked to consider the indictment of one who allegedly had been a Communist and who refused to answer questions about persons who were purported to be Communists and members of the Communist Party. To the grand jury, therefore, this would appear to be a case inherently touching the security of the Government. Each one of the grand jurors employed by the United States or the District of Columbia Government, or seeking said employment, or having close associates, including relatives, so employed or seeking said employment, could not consider the facts presented to them with disinterested, free and open minds, absent of bias and prejudice, as required by law.

10. All persons—and this would include grand jurors and

their close associates, including relatives—who are employed by or seeking employment with the United States are subject to investigation and proceedings under Executive Order No. 10450, entitled “Security Requirements for Government Employment,” and referred to as the Eisenhower Security program. The Federal Bureau of Investigation is required to investigate all cases arising under the order which involve any questions of Communist associations. Executive Order No. 10450 provides that the employment of any civilian employee must be “clearly consistent with the interests of the national security” and grants to the heads of departments and agencies, the final determination, subject to no appeal, of whether this standard is met. One of the factors to be considered in an investigation under the Order is “Any behavior, activities, or associations which tend to show that the individual is not reliable or trustworthy.” Other factors not enumerated in the Order may be and are considered in making a security determination under the Order. Views, statements, and actions in cases such as this are considered pertinent in proceedings under the Order.

11. Executive Order No. 10450 has been in effect since May, 1953. Those grand jurors or their close associates, including relatives, who were employed or sought employment with the United States prior to May, 1953 were subject to Executive Order No. 9835, known as the Truman Loyalty program, which, although different in its procedures, was substantially of similar scope.

12. On information and belief, each one of said grand jurors, or their close associates, including relatives, who have been employed by or are seeking employment with the District of Columbia Government have been subject to security investigation and procedures which in all essentials are like those applicable to employees of the United States. These procedures are not embodied in any document or order to which I can refer the court.

13. The total effect of the more than 7 years of operation of these successive loyalty and security programs has been to instill in government employees and employees of the District of Columbia and their close associates, including relatives, and in those desiring employment with either of said Governments, a fear of creating the appearance of sym-

pathetic association with any person or organization or action which might be considered left-wing or Communist. This fear in a grand juror is so strong, so personal and so intense that it would prevent him from casting his vote impartially, as required by his Oath and by law, and
 302 amounts to an actual bias against any person accused of some act which might impede the hunt for supposed Communists.*

14. If the court will grant defendant a hearing pursuant to Rule 12(b)(4) of Federal Rules of Criminal Procedure, we expect to prove by examination of the grand jurors and otherwise that the grand jurors employed by the United States or the District of Columbia Government or seeking such employment have known or heard:

(1) About relatives, friends or fellow workers who were kept under surveillance, investigated, suspended or dismissed under the loyalty and security programs;

(2) That many such persons were investigated, suspended or dismissed by reason of associations or actions which occurred in the distant past, or which were of short duration, or were infrequent or purely casual;

(3) That many such persons were investigated or suspended or dismissed by reason of actions or associations, not of their own, but of close associates, including relatives;

(4) That many such persons were investigated, suspended or dismissed by reason of actions or associations which bore little real relation to security.

* That fear generated by the loyalty and security program has been increased and accelerated by the enactment into law of such laws as the Internal Security Act of 1950, 64 Stat. 987, 50 U. S. C. 781, the McCarran-Walter Immigration Act, 66 Stat. 181, 8 U. S. C. 1181, the Communist Control Act of 1954, Public Law 637, 83d Cong., 2d Sess., 23 U. S. Law Week 47, the Compulsory Testimony Act, Public Law 600, 83d Cong., 2d Sess., 23 U. S. Law Week 59, the Bail Jumping Act, Public Law 603, 83d Cong., 2d Sess., 23 U. S. Law Week 60, and the Harboring of Criminal Act, Public Law 602, 83d Cong., 2d Sess., 23 U. S. Law Week 60.

303 15. We will further prove:

(1) That the net effect of these facts, known to the grand jurors, has been to create a climate of opinion, fear and intimidation among government employees and those seeking government employment that they would jeopardize their tenure or their job opportunities or provoke investigation by reason of any opinion or action or association which could be considered as evidencing the slightest sympathy with, or lack of hatred for, Communism or any other left-wing ism, including a vote against an indictment for refusal to answer questions concerning persons alleged to be members of the Communist Party;

(2) That these fears have been affirmed and strengthened by the almost daily press reports of the harsh and unjust operation of the loyalty and security programs;

(3) That this climate of opinion, fear and intimidation has affected personally those grand jurors employed by the United States or District of Columbia Government, or seeking said employment, or having close associates, including relatives, so employed or seeking such employment, so as to prevent their exercise of free will in voting on this case.

16. Affiant has personal knowledge that, during formal hearings under Executive Order 10450, persons under investigation have been asked their opinions of cases, such as the Alger Hiss, Remington, Coplon and Rosenberg cases, involving alleged Communist associations. If the
304 mere opinions of persons who have not even participated in a case thought to affect the security of the government are treated by the authorities as relevant to a decision on security or loyalty status, the grand jurors would recognize that a vote against an indictment in this case would be harmful to their security status.

17. Affiant has personal knowledge that during formal hearings under Executive Order 10450 persons under investigation have been asked their opinions of Congressional investigation committees including the House Committee on Un-American Activities. The grand jurors would recog-

nize that a vote against indictment of a person who had been cited by the said Committee as contemptuous would be harmful to their security status.

18. I respectfully call the court's attention to *Dennis v. United States*, 339 U. S. 162, where the defendant attacked the presence of federal employees on the jury which convicted him. The Supreme Court pointed out that the Loyalty Order relied upon by the defendant as grounds for that attack preceded the trial of that case by only three months and concluded that there was no "anticipatory fear" of the "administrative implementation" of the Order. More than seven years of administrative implementation has created a real and personal fear.

19. Affiant is aware of the decision of this Court in *United States v. Emspak* and the related cases denying a motion to dismiss or hold a hearing, based on the presence on the grand jury of employees of the United States, 95 F. Supp. 1010, aff. 91 U. S. App. D. C. 378, 203 F. 2d 54, certiorari granted on other grounds 346 U. S. 809. The Supreme Court has granted petitions for certiorari in the cases related to *Emspak*, *Quinn v. United States*, 374 U. S. 1008, and *Bart v. United States*, 347 U. S. 1011, on the issue, 305 among others, of the validity of the indictments returned by a grand jury which included ten government employees and the wives of two government employees.

20. The affiants in support of the motion to dismiss in the *Emspak* and related cases did not set forth that any federal agency would take notice of a vote against an indictment, or that government employees would recognize that a vote against indictment would be harmful to their security status.

JOSEPH L. RAUH, JR.

Subscribed and sworn to before me this 10th day of January, 1955.

MARY C. ASAY,
Notary Public.

My commission expires December 31, 1957.

306

Filed February 7, 1955

On this 7th day of February, 1955, came again the parties aforesaid, in manner as aforesaid, whereupon, the argument

of counsel on the motion of the defendant to dismiss the indictment or for a preliminary hearing is concluded; thereupon, the motion is denied by the Court.

By direction of

DAVID A. PINE,
Presiding Judge,
Criminal Court # Five.

308 To Thomas W. Beale, Clerk
Committee on Un-American Activities
House of Representatives
Congress of the United States

You are hereby commanded to appear in the United States District Court for the District of Columbia at 3rd & Constitution Ave., N. W., 4th Floor, Courtroom 8, in the city of Washington on the 23 day of May 1955 at 10:00 o'clock A.M. to testify in the case of United States v. John T. Watkins and bring with you the following material from the files of, and otherwise in the possession and control of, the Committee on Un-American Activities of the House of Representatives: (1) all records, files, memoranda, documents and other written information (other than cross references and duplications) relating to each person listed in Schedule A attached hereto and made a part hereof, and including, without limiting the foregoing, (2) the file or files, including but not limited to files referred to by the Committee on Un-American Activities as public files and those referred to by the said Committee as investigative or confidential files, on each person listed in Schedule A, and (3) all card records on, and histories of, each person listed in Schedule A and all material upon which said records and histories are based. This subpoena is issued upon application of the defendant.

May 16, 1955.

Sidney S. Sachs,
Attorney for defendant.
309 Woodward Building.

SIDNEY S. SACHS,

HARRY M. HULL,

Clerk.

By MARGARET L. BONVELL,
Deputy Clerk.

309

SCHEDULE A

1. John T. Watkins
2. Charles Hobbe (sometimes spelled Hobbie)
3. Lee Landbaker
4. Leland Baker
5. Harold Fisher
6. Henry Mack
7. Ernest DeMaio
8. Charles Killinger
9. Morris Childs
10. Dorothy Hillyerd
11. Theo Kruse
12. Charles Lawson
13. Olaf Lidel
14. Sarah Levine
15. Murray Levine
16. Harriet Leuth
17. Herbert Marsh
18. Ajay Martin
19. Harold Metcalf
20. John Milkevitch
21. Grant Oakes
22. Joe Ruick (alias Joe Webber)
23. Frank Rogers
24. Arthur Saunders
25. Seymour Siporin
26. Joseph Stern
27. George Teeple
28. Ray Teeple
29. Donald Tieglan
30. Rex Wielock
31. John Wilson
32. Marie Wilson
33. Mrs. John Wilson

310 To: Ralph R. Roberts,
Clerk of the House of Representatives,
Congress of the United States.

You are hereby commanded to appear in the United States
District Court for the District of Columbia at 3rd & Consti-

tution Ave., N. W., 4th Floor, Courtroom 8, in the city of Washington on the 23 day of May 1955 at 10:00 o'clock A.M. to testify in the case of United States v. John T. Watkins and bring with you the following material from the files of, and otherwise in the possession and control of, the Committee on Un-American Activities of the House of Representatives: (1) all records, files, memoranda, documents and other written information (other than cross references and duplications) relating to each person listed in Schedule A, attached hereto and made a part hereof, and including, without limiting the foregoing, (2) the file or files, including but not limited to files referred to by the Committee on Un-American Activities as public files and those referred to by the said Committee as investigative or confidential files, on each person listed in Schedule A, and (3) all card records on, and histories of, each person listed in Schedule A and all material upon which said records and histories are based. This subpoena is issued upon application of the defendant.
May 16, 1955.

SIDNEY A. SACHS,

Attorney for defendant,

309 Woodward Building.

HARRY M. HULL,

Clerk,

By MARGARET L. BOSWELL,

Deputy Clerk.

311

SCHEDULE A

1. John T. Watkins
2. Charles Hobbe (sometimes spelled Hobbie)
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6. Henry Mack
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23. Frank Rogers
24. Arthur Saunders
25. Seymour Siporin
26. Joseph Stern
27. George Teeple
28. Ray Teeple
29. Donald Tieglan
30. Rex Wielock
31. John Wilson
32. Marie Wilson
33. Mrs. John Wilson

307 U. S. MARSHAL'S RETURN OF SERVICE
FOR
THE DISTRICT OF COLUMBIA

Cr. Case No. 1153-54

U. S.

vs.

John T. Watkins

Summoned the within-named by delivering a true copy of subpoena to Thomas W. Beal, 225A 160 B., Personally, 5/16/55; accepted check. Ralph R. Roberts, U. S. Capitol, Personally, 5/16/55; accepted check.

CARLTON G. BEALL,
United States Marshal,
By JOHN L. SULLIVAN,
Deputy.

(Filed May 20, 1955)

Motion to Quash Subpoenas

Comes now the United States, by the United States Attorney for the District of Columbia, and moves this Honorable Court to quash the subpoena *duces tecum*¹ served herein on May 16, 1955, upon Thomas W. Beale, Clerk, Committee on Un-American Activities, House of Representatives, Congress of the United States, and an identical subpoena addressed to and served on the same date upon Ralph R. Roberts, Clerk of the House of Representatives, Congress of the United States, for the following reasons:

1. Rule 17(c) of the Federal Rules of Criminal Procedure, which authorizes the issuance of subpoenas *duces tecum*, does not require the government to produce the documents sought by the defendant because they are not "evidentiary".
 2. Compliance with the subpoena would be unreasonable and oppressive.
 3. The subpoena is a "fishing expedition".
 4. Some of the documents called for would disclose the identity of confidential informants.
 5. Most of the documents called for relate importantly, and some critically, to the national security.
 6. Most of the documents called for in the subpoena, apart from their being in the possession of the legislative branch, are, in themselves, confidential with respect to their content and their purpose.
- 313 7. The court is without jurisdiction to direct the House of Representatives to produce its records.

LÉO A. ROVER,
United States Attorney.

WILLIAM A. HITZ,
Assistant United States Attorney.

¹ Copy is attached hereto.

323 (Filed May 26, 1955)

Motion With Regard to Subpoenaed Documents

1. Defendant requests the Court:

(a) To deny the Government's "Motion to Quash Subpoenas".

(b) To rule that the documents specified in the subpoenas issued in this case to the Clerk of the House of Representatives and to the Clerk of the Committee on Un-American Activities of the House of Representatives are relevant and material to defendant's case, and

(c) Respectfully to request the House of Representatives to permit the inspection and copying of said documents.

2. Defendant moves the Court, if defendant's above requests are denied, to dismiss the indictment against him because the documents are essential to a full defense against the Government's case and without them he is deprived of his constitutional rights to a fair trial and compulsory process under the Fifth and Sixth Amendments to the Constitution.

JOSEPH L. RAUH, JR.,
SIDNEY SACHS,
Counsel for Defendant.

345 WAIVER OF TRIAL BY JURY

With consent of the United States Attorney and the approval of the Court, the defendant waives his right to trial by jury.

JOHN T. WATKINS,
Defendant.

SIDNEY A. SACHS,
Attorney for Defendant.

I Consent
W. HITZ,
United States Attorney.

APPROVED:

JOSEPH C. MCGARRAGHY,
Judge.

346

(Filed May 26, 1955)

On this 26th day of May, 1955 came the attorney of the United States; the defendant in proper person and by his attorneys; Sidney Sachs, Joseph L. Rauh, Jr., Norma Zark and Daniel Pollitt; whereupon the motion of the government to quash subpoenas, heretofore heard and taken under advisement is by the Court granted; the motions of the defendant to deny the government's motion to quash subpoenas, for ruling that documents specified in subpoenas are relevant and material to defendant's case, and for inspection and copying of said documents, and for dismissal, heretofore heard and taken under advisement, are by the Court denied; whereupon the defendant waives trial by jury and the attorney of the United States consenting thereto, and with approval of the Court, the trial proceeds.

The motion of the defendant for leave to inspect Grand Jury minutes is by the Court denied.

The motion of the defendant to dismiss the indictment or in the alternative for a judgment of acquittal is heard in part and continued until the meeting of the Court, tomorrow morning at 10:30 a.m.

347

(Filed May 27, 1955)

On this 27th day of May, 1952, came the parties aforesaid, in manner as aforesaid, in this case, the trial of which was respite yesterday; the motion of the defendant to dismiss or in the alternative for judgment of acquittal, coming on to be heard further, after argument by counsel, is by the Court denied.

It is adjudged by the Court that the defendant is guilty as indicted.

The defendant is permitted to remain on bond pending sentence.

348

(Filed June 14, 1955)

On this 10th day of June, 1955 came the attorney for the government and the defendant appeared in person and by counsel, Sidney Sachs, and Joseph L. Rauh, Jr., Esquire.

IT IS ADJUDGED that the defendant has been convicted upon his plea of not guilty and verdict of guilty of the

offense of Contempt of Congress as charged on counts one thru seven, inclusive and the court having asked the defendant whether he has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the Court,

IT IS ADJUDGED that the defendant is guilty as charged and convicted.

IT IS ADJUDGED that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of One (1) year, and to pay a fine of Five Hundred (\$500.00) Dollars.

IT IS ADJUDGED that the execution of this sentence be and is hereby suspended insofar as the term of imprisonment is concerned only, and that the said defendant be and is hereby placed on probation in charge of the Probation Officer of the Court.

JOSEPH C. MCGARRAGHY,
United States District Judge.

350

(Filed June 13, 1955)

ORDER

Defendant having applied pursuant to Rule 38(a)(3) of the Federal Rules of Criminal Procedure for a stay of the sentence to pay a \$500 fine, and it appearing that an appeal is being taken by defendant, it is hereby

ORDERED AND DECREED this 13th day of June, 1955, that the said fine should be, and is, stayed pending appeal.

JOSEPH C. MCGARRAGHY,
Judge.

2

Wednesday, May 25, 1955.

The above-entitled matter came on for hearing before Judge Joseph C. McGarraghy at 10 o'clock a. m.

3

PROCEEDINGS

Mr. Hitz: Your Honor, here is the waiver of jury. (Paper handed up to court.) That is consented to by the Government.

4

Your Honor, in this case the defendant has filed upon the Clerk of the House of Representatives and upon the Clerk of the Un-American Activities Committee of the House, a subpoena duces tecum which, to put it shortly, calls

for all of their papers in connection with the testimony of the defendant Watkins, including all their papers with reference to him, himself.

11 I should perhaps say that the field of the investigation here is the infiltration of the Communists into union activity in this country, having in mind possible amendments that would bear upon the Taft-Hartley, so-called Taft-Hartley Act, and the Internal Security Act.

24 Now, not under oath, not under the oath of an affidavit, I have asserted in the memorandum in support that the Clerk of the committee has informed me that it will take somewhere—about three weeks, I think it is,—

25 The Court: I think you said two.

Mr. Hitz:—about two weeks to assemble the material; that it will take at least three—I think they call them analysts—to obtain the material.

55 Mr. Hitz: In this particular case, it was investigating the infiltration into unions of Communists and persons with Communist Party sympathies, for the avowed purpose—I say the avowed purpose because it was avowed by its chairman at the commencement of the hearings—with the avowed purpose of determining whether the Subversive Activities Act, no, the Internal Security Act, should be amended so as to deny the Taft-Hartley Act privileges to unions which have become infiltrated—

72 The Court: Gentlemen, after yesterday's argument, I spent the afternoon examining all the authorities that you were good enough to furnish me on both sides, and I have come to the conclusion that the documents which the subpoena seeks are not relevant to the issues in the case. Therefore, I will grant the motion to quash and will deny the defendant's motion in the alternative.

75 Mr. Hitz: . . . We will offer our testimony from Mr. Kunzig, who will be our only witness, and he was then counsel for the committee, co-chief for it, offer testimony that this was a continuation here in Washington of a hearing commenced in Chicago some time before, and that the hearings were for the purpose of determining the extent

of infiltration of Communists and Communism into unions throughout the country; that the Chicago phase of it was geographical to that area, and that when Mr. Watkins could not be located, or for some reason was not located when the committee went to Chicago to hold its hearings there, it was arranged for Mr. Watkins then to come to Washington. That is why there was a continuation in Washington of the Chicago hearings, to hear Mr. Watkins and one or two others.

80 Thereupon ROBERT L. KUNZIG was called as a witness by the Government and, having been first duly sworn, was examined and testified as follows:

81 Direct examination.

By Mr. Hitz:

Q. Mr. Kunzig, give your full name, please?

A. Robert L. Kunzig, K-u-n-z-i-g.

Q. You are an attorney, are you, sir?

A. Yes, sir.

Q. Are you a member of any bars, legal bars?

A. I am a member of the bar of the Commonwealth of Pennsylvania.

Q. Were you formerly employed by the House Un-American Activities Committee?

A. Yes. During the past two years, I was counsel for the House Un-American Activities Committee.

Q. You are not with the committee at the present time, are you, sir?

A. No, at the present time I am the assistant to the chairman of the Civil Aeronautics Board here in Washington, D. C.

Q. Thank you, sir.

Therefore, in April 1954, were you counsel for the Un-American Activities Committee?

A. Yes, sir.

Mr. Hitz: Your Honor, I have certain formal documents I would like to have marked and introduced, the first of which I would like the clerk to mark Government Number

1, a document entitled, "House Resolution No. 2,"
 82 which is a message addressed to the Senate, stating
 that Joseph Martin of Massachusetts was elected
 Speaker of the House, and that Lyle O. Snader was elected
 the Clerk of the House. That is transmitted to the Sen-
 ate, and you might say that is one of the mechanics of
 getting the House in operation for the particular session.
 Mr. Snader then becomes the certifying officer for other
 papers.

Any objection?

Mr. Sachs: I would like to see it, please.

The Deputy Clerk: I have marked that Government's
 Exhibit Number 1 for identification.

(House Resolution 2 was marked as Government Ex-
 hibit 1 for identification.)

The Court: Is there any objection, Mr. Sachs?

Mr. Sachs: No objection.

The Court: Very well, it will be admitted.

Mr. Sachs: Is that in evidence?

The Deputy Clerk: Government's Exhibit Number 1
 in evidence.

(Government Exhibit 1 was received in evidence.)

Mr. Hitz: Next document I would like to have marked is
 a statement by Mr. Snader, the Clerk I have just indicated
 here, to the effect that there were certain named
 83 persons, members of the House of Representatives,
 designated to serve as members of the Committee on
 Un-American Activities. This is a certification from the
 journal of the House. It names certain persons, and I will
 read them to the court if this is admitted.

(Statement by Clerk of House designating members of
 the committee was marked as Government's Exhibit 2 for
 identification.)

Mr. Hitz: Mark these 3, 4, 5.

(Documents were marked as Government Exhibits 3,
 4 and 5 for identification.)

Mr. Sachs: No objection.

The Court: Is that number 2?

Mr. Sachs: Yes.

The Court: Very well, it will be admitted.

The Deputy Clerk: It will be Government's Exhibit Number 2 in evidence.

(Government Exhibit 2 was received in evidence.)

Mr. Hitz: This document, Number 2 for the Government, states that the journal of the House states that on January 19, 1953, there were designated to comprise the Un-American Activities Committee of that body: Mr. Velde, Mr. Kearney, Mr. Jackson, Mr. Clardy, Mr. Scherer, Mr. Walter, Mr. Moulder, Mr. Doyle, and Mr. Frazier.

84 I next will offer Government Number 3, which I will describe for the written record to be a certified copy of the report of the Un-American Activities Committee to the House of Representatives, citing the facts of the alleged contempt, and asking the House to certify that contempt to the United States Attorney. I offer that not for the contents of the report, but for the fact that it was made.

Mr. Sachs: That is all right. That is the part I was going to object to.

The Court: Very well, it will be received.

The Deputy Clerk: Government's Exhibit—

Mr. Sachs: The reason I was going to make that point is, we find that certain things are left out of that report. It is not a complete report of the proceedings.

The Deputy Clerk: It will be Government's Exhibit Number 3 in evidence.

(Government Exhibit 3, report of the Committee to the House, was received in evidence.)

Mr. Hitz: I don't think, since it has been received, at this time we need make any further use of it than to have the record indicate what I indicated by describing it for Your Honor and for the record, that it indicates the certification by the committee to the House.

85 The next is House Resolution 534, which has been marked Government Number 4 for identification. The House resolution is the one which cited the alleged contempt of Mr. Watkins to the United States Attorney for criminal proceedings.

Any objection, Mr. Sachs?

Mr. Sachs: No objection.

The Court: It will be admitted.

The Deputy Clerk: Government's Exhibit Number 4 in evidence.

(Government Exhibit 4, House Resolution 534, was received in evidence.)

Mr. Hitz: Government's 4 does just what I have indicated by the identification of it. It was the resolution which was passed by the House and did cite to the United States Attorney the facts of the contempt of the Un-American Activities Committee by Mr. Watkins.

* * * * *

86 Mr. Hitz: The next document is the actual certification by the Speaker of the House to the United States Attorney. It is in the form of a letter.

Mr. Hitz: That is Government 5.

Mr. Sachs, any objection?

Mr. Sachs: No objection.

Mr. Hitz: May it be received?

The Court: It will be received.

The Deputy Clerk: It will be Government's Exhibit Number 5 in evidence.

(Certification to U.S. Attorney, Government Exhibit 5, was received in evidence.)

By Mr. Hitz:

Q. Mr. Kunzig, the Un-American Activities Committee is a standing committee of the House of Representatives, is it not, sir?

A. That is correct.

Mr. Hitz: For the court and for the record, it was established by Public Law 601, Section 121, of the 79th Congress, and it has been codified into 60 Statutes at Large, 828, as is indicated in the first introductory paragraph of the indictment.

By Mr. Hitz:

87 Q. Mr. Kunzig, do you have a copy of Chicago Area Number 3 Report on the Investigation of Communist Activities in the Chicago area?

A. Yes, I do.

Q. That is, hearings of the Committee on Un-American Activities.

Mr. Hitz: Do you have a copy, Mr. Sachs?

Mr. Sachs: If you will bear with me just a moment, I think we do. Is that Part 3?

Mr. Hitz: That is Part 3.

By Mr. Hitz:

Q. And it is in that volume, is it not, Mr. Kunzig, that Mr. Watkins' testimony of April 29, 1954, appears?

A. Yes.

.

88 By Mr. Hitz:

Q. Mr. Kunzig, would you be good enough to turn to page vi at the front,, and look, and perhaps you will recognize there the portion of the statute that creates the Un-American Activities Committee. Will you look at it and tell me, were you functioning under that particular section? and if so, I will read it.

Mr. Sachs: Excuse me, please.

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90 Mr. Hitz: I was asking Mr. Kunzig if the statute creating the committee and under which they were operating in April 1954 is reprinted in part on page vi of this Washington hearing of the Chicago series.

The Witness: Yes, it is.

Mr. Hitz: And I don't think I need to read it into the record. I will be glad to read it to the court. Roughly, it is to the effect that the committee shall investigate the extent, character and objects of un-American propaganda activities in the United States; (2) the diffusion

within the United States of subversive and un-American propaganda that is instigated from foreign countries, or of a domestic origin, and attacks the principle of the form of government as guaranteed by our Constitution; and (3) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

Then, certain procedures are set up in the final paragraph. We don't care to read them. They are, of course, available to the court, because it is a statute that is passed, and you need not even take judicial notice of that.

By Mr. Hitz:

91 Q. Now, Mr. Kunzig, would you be good enough to tell us what the committee was investigating at the time that it held its hearing in Washington on April 29th; to which Mr. Watkins had been called?

Mr. Sachs: Just a moment, please.

If Your Honor please, I wonder if Mr. Hitz would be good enough to elicit from the witness the source of his information before the witness is allowed to answer that question.

The Court: I suppose the general counsel for the committee—I suppose he knows that as general counsel of the committee. Would he not?

By Mr. Hitz:

Q. Did you know what the purpose of the committee was?

A. Oh, certainly, sir. It would be very difficult to be in a position of general counsel of the committee and not know what the purpose of the hearings would be.

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92 By Mr. Hitz:

Q. Would you be good enough to state whether the hearing in Washington on the 29th of April was a continuation of any other hearing?

A. Yes, in March of that year—

Mr. Sachs: I think that he has answered the question.

By Mr. Hitz:

Q. It was a continuation of what hearing?

A. It was a continuation of hearings which started in, I believe, if my memory serves correctly, March 15th and 16th. of 1954, in Chicago, Illinois, and certain witnesses were unavailable or couldn't be found, and therefore it was continued to Washington.

Mr. Sachs (Simultaneous with end of answer): Now, if Your Honor please,—

The Court: Well, I think it is relevant.

By Mr. Hitz:

93 Q. Have you finished?

A. I was about to say that certain witnesses could not be found, and therefore, as you can well imagine, Congressmen have to follow a pretty careful schedule, have to go back for votes and various things, and so many times hearings are continued back to Washington, D. C., when it then becomes necessary to bring the witness to Washington, because the Congressmen can't get out of the city.

Q. What was under consideration by the committee when it held this hearing in Washington on April 29, 1954?

Mr. Sachs: If Your Honor please, I think that they should be confined to the record at this point. I don't think this witness' statement as to what was under consideration is proper.

The Court: I will overrule the objection.

A. The matters that were under consideration involved largely Communism or alleged Communist infiltration into labor unions, and we examined into that subject quite carefully in Chicago, and continued on this particular day in Washington with the defendant here today.

By Mr. Hitz:

Q. Previously, had the committee investigated that particular problem in other localities besides Chicago?

A. Yes, sir. That was the subject which was more or less under continuous investigation and had been in-

94 investigated in various cities, such as San Francisco, Los Angeles, Columbus, Ohio, and various other cities, Washington, D. C., New York, New York; and this was a hearing in Chicago and continued in Washington, D. C.

Q. Did the committee also explore this problem in the Pacific Northwest?

A. Yes, we had very lengthy hearings in Seattle and in Portland on that subject.

Q. Now, publicly at any stage of the Chicago hearings—and you say this was a part of the Chicago hearing, although in Washington. Publicly, at any stage of the Chicago hearing prior to April 29th, did the chairman make a public statement of the purposes of this course of inquiry? Just answer “Yes, he did” or “No, he did not.”

A. Yes.

Q. Where did he make that statement with reference to the Chicago hearings?

A. He made that statement on the opening day at the Chicago hearings, publicly for all to hear.

Q. Now, what was the publicly announced purpose of this particular phase of the inquiry into infiltration into unionism?

Mr. Sachs: May I make a few points, Your Honor?

First of all, I don't think we are interested in what the purpose was. I think we are interested in what
95 the subject of the inquiry was.

The purpose, if we get into questions of purpose, we are going to get into a confused area that we debated to some extent yesterday, whether it was a legislative purpose or not.

It seems to me the issue here is, what was the subject matter of the inquiry.

The second point that I would like to make is to reiterate my objection that what the chairman said at Chicago is irrelevant to this case.

The Court: I overrule the objection.

Mr. Sachs: Could the question be reread?

The Witness: Yes, please.

(The pending question was read by the reporter.)

A. The publicly announced purpose, as I recall it, was to investigate into labor unions, into the problem of possible infiltration, and that it was made clear that the committee itself had this subject under investigation, that the committee had been largely responsible for the passage of the Internal Security Act of 1950, and that at the very moment we were in Chicago, a vital amendment to that Act was at that moment before the committee.

In other words, the House had referred a bill to the committee on that very subject of infiltration of labor unions, Communist infiltration, and we were looking
96 into that subject at that time.

I might add that bill has since become a law of the United States.

Mr. Sachs: May it please the court, I ask that his last volunteered statement be stricken, and I move that his whole answer be stricken, on the ground that it is improper for him to testify as to what happened, when we have the printed transcript here. I don't think that his testimony is the best evidence.

The Court: I will deny your motion.

By Mr. Hitz:

Q. Now, you say that ultimately there was passed by the House, in the same session in which Mr. Watkins testified, the subject matter of this indictment, an amendment to the Internal Security Act of 1950, having to do with infiltration of unions by the Communists?

A. Yes, sir, that became law. It was passed, I believe, sometime in August, one of the last days of the Congress.

Q. And do I understand you to say that at the time of the commencement of the Chicago hearings, the House had already referred to your committee for—

Mr. Sachs: If Your Honor please, I am sorry, I don't want to interrupt Mr. Hitz, but it—

Mr. Hitz: Well, you are certainly doing it, Mr. Sachs.

97 The Court: As a matter of fact, I think the witness has already covered the subject.

By Mr. Hitz:

Q. You say that ultimately this was passed?

A. Yes.

Q. This amendment to the Internal Security Act. Was it passed after the initial Chicago hearing, or after that, as well as after April 29th?

A. It was passed after the initial Chicago hearing, and after the April 29th date at which this defendant here today testified.

Q. Thank you, sir.

Now, in addition to what you have indicated the committee had under consideration with respect to legislation, was there any other, or other matters that the committee was considering in the field of subversive activities, to recommend to the House?

Mr. Sachs: Just a moment, please. May I object, if Your Honor please. It seems to me that we should be limited at least to public statements at the hearing, and that there is just no limit to what we can get into if this gentleman is allowed to testify as to the purpose of the committee.

Mr. Hitz: I can so limit it.

The Court: I think so.

By Mr. Hitz:

98 Q. —as indicated in the public statement of the chairman at the commencement of the Chicago hearing?

A. May I see that statement?

Q. Yes.

Mr. Sachs: The record, of course, is clear that we did not waive our objection to the evidence, as to what happened in Chicago.

The Court: Yes, I understand.

(Witness inspecting document)

By Mr. Hitz:

Q. If you do not recall, I can ask that direct question. Do you recall or not?

A. I don't recall the chairman's exact words at the moment, no.

Q. Do you recall whether or not the chairman stated at that time that there was under consideration by the committee a possible recommendation with respect to an immunity statute? Did the chairman state anything in that connection?

Mr. Sachs: May it please the court, the witness has before him the complete transcript.

The Court: Yes, I think he should refer to the transcript.

A. Yes. Among the recommendations which were being studied was an immunity statute, which we were at that time working on before the House, and also one involving confidential devices being used in investigation, and so forth.

By Mr. Hitz:

Q. Now, have you refreshed your recollection on this last subject from looking at a portion of the public hearings of the committee?

A. Yes, sir, I have.

Q. And of the public hearings, that part is what?

A. I am looking at the document entitled, "Investigation of Communist Activities in the Chicago Area, Part 1," dated Monday, March 15, 1954.

Q. And of those hearings, particularly what part were you looking at to refresh yourself?

A. Page 4165.

Q. And who is making a statement, if he is making one?

A. The chairman of the committee, Harold Velde.

Q. In public session?

A. Opening statement on the opening day, public.

100 By Mr. Hitz:

Q. Mr. Kunzig, did you, in the testimony we will shortly get to, of Mr. Watkins here in Washington on April 29th, incorporate in your questions of him, information that had been given under oath by other witnesses at

other times, concerning Mr. Watkins' Communist Party activities?

A. I did.

Q. Were you limiting yourself to that much of the information in the hands of the committee? Tell us what it was that the committee had learned about Mr. Watkins prior to this testimony.

A. May I refer to the specific questions which I asked Mr. Watkins?

Q. I am sure the court will allow you, for the sake of completeness and accuracy.

The Court: Very well.

A. There was testimony from one Mr. Spencer, one Donald Spencer, and I asked the question:

"Now, Mr. Watkins, on September 3, 1952, at hearings before this committee, one Donald Spencer testified as follows:—

Mr. Sachs: Excuse me. I think the question was, what information under oath did the witness have, not what question did he ask Watkins.

The Court: Yes, that was my understanding.

The Witness: It was interwoven.

Mr. Hitz: My understanding was that Mr. Sachs objected that this witness wouldn't know what the committee had in mind, and therefore I said, Well, I think we can indicate, from what questions were asked of Mr. Watkins, what the committee had in mind before he was called. Mr. Kunzig at the hearing confronted Mr. Watkins with what other people had said publicly.

102 The Court: I understood this witness was going to testify to what information the committee received in Chicago with respect to Mr. Watkins. Wasn't that what you wanted?

Mr. Hitz: That is precisely it, but Mr. Kunzig read that information to Watkins here in Washington, said in effect, "What have you got to say about this accusation?" And Mr. Kunzig is relating now what it was the committee had, and we are overcoming an objection by Mr. Sachs—

The Court: I think he may proceed.

Mr. Sachs: It's really not the question. If he asked that question, I'd object.

The Witness: May I proceed?

A. (Continuing) The question that was originally asked of Mr. Spencer was:

"During the period that you were a member of the Farm Equipment Workers, did you become a member of the Communist Party?"

Mr. Spencer said,

"Yes, sir.

"Question: When did you become a member?"

"Mr. Spencer: In 1943, in October.

"Question: How long did you remain a member of the Communist Party?"

"Spencer: Well, my dues were paid until the first of January, 1946.

103 "Question: Who recruited you into the Communist Party?"

"Spencer: Walter Rumsey, R-u-m-s-e-y, encouraged me into the Party with the endorsement and full knowledge of John Watkins.

"Question: Is that John Watkins?"

"Spencer: Yes, sir. He was district vice president of the FE at that time."

Now, shall I go on, sir.

By Mr. Hitz:

Q. No.

Now, prior to the testimony of Mr. Watkins on the date that we are concerned with, had the committee received public testimony from this man Rumsey, who was referred to by witness Spencer, which you have just read?

A. Yes.

Q. Just answer whether it did or did not.

A. Yes.

Q. Does the fact that the committee had received that information prior to Mr. Watkins' testimony, and that it was testimony given in a public hearing, reflect itself in this record of Mr. Watkins' testimony?

A. Yes, it does. I asked about these questions.

Q: You asked Mr. Watkins?

A. Yes.

104 Q. Now, confining yourself to that portion of the information that was given publicly by Mr. Rumsey, which is contained in the Watkins hearings, will you refer to it?

A. Yes, sir. Shall I continue?

Q. And for the record, let us find the page.

A. I am now on page 4237 of the investigation of Communist activities in the Chicago area, Part 3, April 29, 1954.

Q. All right, sir.

A. And I referred to the question that I had asked Mr. Rumsey,

"Did you ever pay dues to Mr. Watkins?" and the answer was,

"Yes."

Q. That is, Mr. Rumsey had previously testified on March 16, 1954,—

A. Yes.

Q. —that he paid dues to Mr. Watkins. Is that the purport of the testimony here?

A. That is right.

Q. Now, was that fact known to the committee prior to the testimony of Mr. Watkins on April 29th?

A. Very definitely, certainly.

Q. Is there any other testimony of Mr. Rumsey linking Mr. Watkins to Communist Party activities which was known to the committee prior to the calling of Mr.
105 Watkins, and which is reflected in the Watkins hearings?

A. Yes, on page 4274 of the same hearings I have just been reading from, when Mr. Rumsey was before the committee, I had asked him the question,

"Now, how long did you belong to the Communist Party?

"Rumsey: It would be in August 1944 when I left.

"Kunzig: To whom did you pay dues in the Party, Mr. Rumsey?

"Rumsey: Well, it would be the various organizers; that is, district organizers.

"Kunzig: Did you ever pay dues to Mr. Watkins?"

"Rumsey: Yes."

"Kunzig: Was this at the beginning?"

"Rumsey: At the start."

"Kunzig: Do you recall how much dues you paid?"

"Rumsey: It was on the percentage, it was prorated, percentagewise."

Then I asked Mr. Rumsey:

"Did you collect dues from people in the Communist Party?"

and then I said,

106 "In the case of Watkins, did you collect dues from him under the name of Watkins or Sam Brown?"

and the answer of Mr. Rumsey was,

"Sam Brown."

That had to do with an alias which was another part of the testimony.

Q. Now, Mr. Kunzig, the information that you have just read us, question and answer of Mr. Spencer, and question and answer of Mr. Rumsey, was that information which had been received in sworn testimony publicly by the un-American Activities Committee prior to April 29, 1954?

A. Yes.

Mr. Hitz: Your Honor, there has been a stipulation entered into between the Government and the defense in this case, that the Public Hearing Number 3 of the Chicago investigation, so-called, copy of which you have and the witness has and counsel has, is an accurate statement of what took place on the day of April 29, 1954. Both sides have reserved the right to object on various other grounds, such as materiality and relevancy and competency, but that it is accurate has been agreed to.

That being the case, the Government at this time will offer in evidence all of the testimony on April 29th, 1954, as contained in that document, which was given by Mr. Watkins,

including the introductory paragraphs contained on
107 page 4265.

The Court: How far does that go? 4278?

Mr. Hitz: It will be 4279, when the next witness is called.
Any objection, Mr. Sachs?

Mr. Sachs: Well, I didn't understand what Mr. Hitz
meant when he said including the introductory paragraph.

The Court: I suppose he meant the first paragraph on
page 4275.

Mr. Sachs: 4275?

The Court: 4265.

Mr. Hitz: It would embrace from the point where Mr.
Velde's name is mentioned as Speaker, about the fourth
paragraph,—

The Court: "The Committee will be in order"?

Mr. Hitz: "The Committee will be in order." From that
point on to the end of the testimony of Mr. Watkins.

Mr. Sachs: No objection.

Excuse me let me withhold that "no objection" for just
one minute.

(After conferring with co-counsel:) I would like to re-
instate that "no objection."

The Court: Very well, it will be admitted.

The Deputy Clerk: It will be Government's Exhibit Num-
ber 6 in evidence.

108 (Part 3 of Chicago hearings was marked as Gov-
ernment Exhibit 3 and received in evidence.)

Mr. Hitz: Mr. Sachs, this might be an appropriate time
to get this copy which you and I each initialed, because the
court has one he may care to use for some other reason.

The Court: Is that the copy you are marking in evidence?

Mr. Hitz: This is the copy we are going to mark, of the
same document. I think the record will sufficiently show
what portions of it have been offered and received, and at
some future time we might mark it.

Mr. Sachs: Is that Number 6?

Mr. Hitz: That is Government's Number 6.

By Mr. Hitz:

Q. Now, Mr. Kunzig, were you present on April 29, 1954,
when Mr. Watkins testified?

A. Yes, I was there.

Q. Was it in Washington?

A. Yes, sir.

Q. Is Washington in the District of Columbia?

A. Yes, sir.

Q. I don't mean to be facetious, but we have to ask that question to satisfy certain people.

109 Where did the committee meet on that day, sir?

A. The committee met in the Caucus Room as I recall. Yes, in the Caucus Room. That is Room 362 of the Old House Office Building.

Q. At that time, who was chairman of the committee, Mr. Kunzig?

A. Harold H. Velde.

Q. Were there other members of the staff present, without naming them?

A. Yes.

Mr. Hitz: Your Honor, that gets us to that portion of the document which we have offered and has been received without objection. I would like to suggest the procedure of having Mr. Kunzig actually read it. It is a question of him reading it or myself. I am sure he can do it better. Or may the court permit him to read it?

The Court: You may proceed.

.

110 By Mr. Hitz:

Q. Mr. Kunzig, will you read the testimony, please, beginning with Mr. Velde, and read it slowly enough that they can all get it, including the stenographer can follow it.

111-12 A. "Mr. Velde. The committee will be in order."

(Whereupon, the witness continued to read from Government Exhibit 6, page 4265, line 9 of the text, through line 7, page 4266, at which point he interpolated as follows:)

Then there is a mistake here. It says Mr. Kunzig again, but it obviously is the answer given by Mr. Watkins. The answer given was:

"1244 22d Avenue, Rock Island, Ill."

(Whereupon, the witness continued to read from the

same exhibit, through line 25, page 4267, where he interpolated:)

And then I went on and asked:

(Whereupon, the witness continued to read from the same exhibit, through line 40, same page, where he interpolated:)

And then Kunzig talking again:

(Whereupon, the witness continued to read from the same exhibit, through line 6, page 4268, at which point he interpolated:)

And then I, Kunzig, asked:

(Whereupon, the witness continued to read from the same exhibit, through line 12, same page, where he interpolated:)

Then I asked Mr. Watkins:

(Whereupon, the witness continued to read from the same exhibit, through line 21, same page, where the
113 following interruption occurred:)

By Mr. Hitz:

Q. Mr. Kunzig, let me interrupt you, please.

Do you recall whether what Mr. Watkins is now being quoted as saying to the committee was read from a written statement or was it orally given extemporaneously, so to speak?

A. No, this was read from a written, prepared statement that Mr. Watkins had with him.

Q. Only this much of it, or other portions of his testimony?

A. This much now, and there will be something else coming later.

Q. When you conclude that part which he read in this passage, will you tell us, and when he commenced reading from the next statement, will you inform us of that?

A. Yes.

Q. Thank you.

A. To the best of my knowledge.

Q. Yes, sir.

Will you start reading from the record at that point where he commenced reading from his statement?

A. Yes, sir.

"Mr. Watkins: I am not now nor have I ever been a card-carrying member of the Communist Party."

114-15 (Whereupon, the witness continued to read from Government Exhibit 6, page 4268, line 21, through line 37, same page, where he interpolated as follows:)

There is one more paragraph which I honestly cannot recall at the present whether it was written or whether he added that orally, so I will just go on and read it from the record, if I may. This is Mr. Watkins again:

(Whereupon, the witness continued to read from the same exhibit, through the 41st line, same page, where he interpolated:)

Now there is no further reading any more until a later time.

(Whereupon, the witness continued to read from the same exhibit, through line 33, page 4271, where he interpolated:)

And now he is reading:

(Whereupon, the witness continued to read, through the next three lines, where he interpolated:)

End quote. Velde going on:

(Whereupon, the witness continued to read, through line 13 from the bottom of page 4272,

.

116-17 The Court: I think we had stopped at the bottom of page 4272, had you not?

The Witness: Yes, sir.

The Court: You may proceed.

(Whereupon, the witness continued to read, starting with line 12 from the bottom of page 4272, and continuing through line 13 from the bottom of page 4273, at which point he interpolated:)

And then I read:

"Did you ever pay dues to Mr. Watkins?"

And then I said:

"The answer was 'Yes.'"

Now, Kunzig speaking again:

"Now, I ask you, 'Did Mr. Rumsey ever pay dues to you?'"

(Whereupon, the witness continued to read, through line 2, page 4274, where he interpolated:)

And then I read:

"'Now, how long did you belong to the Communist Party?'"

(Whereupon, the witness continued to read, 118-19 through line 13, same page, where he interpolated:)

Then I spoke and said:

"Now you are saying very definitely that no dues were paid to you by Mr. Rumsey?"

"Mr. Watkins: I said very definitely they were not."

"Mr. Kunzig: Now, I asked this question of Mr. Rumsey:"

and I read:

"'Did you collect dues from people in the Communist Party?'"

and then I went on and said,

"and he went on and testified yes, that he collected dues, and so forth, and I said:"

and I quoted:

"'In the case of Watkins, did you collect dues from him under the name of Watkins or Sam Brown?'"

and then I asked Mr. Watkins:

"And he answered: 'Sam Brown.'"

(Whereupon, the witness continued to read from that point, through line 11, page 4275, where he interpolated:)

And at this point I am saying in response to the question

by the United States Attorney that here again the witness started to read from a prepared, written statement.

120 (Whereupon, the witness continued to read from Government Exhibit 6, beginning with line 12, page 4275, and continuing through line 6, page 4276, at which point the following interruption occurred:)

Mr. Hitz: Excuse me. Let me interrupt for a moment. This is the testimony on Count One, Your Honor. I think I might point out as we go along what count—

The Court: Very well.

You may proceed.

(Whereupon, the witness continued to read, beginning with line 7, page 4276, and continuing through the last line before the afternoon session heading, near the bottom of page 4278.)

121 By Mr. Hitz:

Q. I would like to ask you, so that the fact is in evidence in this case directly from you as a witness: Did Mr. Rumsey give public testimony to the committee to the effect that all of the persons about whom you asked Mr. Watkins and concerning whom he refused to answer, that those persons were engaged in Communist activity to the knowledge of Rumsey?

Now, number one, do you understand my question?

122 A. Yes.

Q. Will you answer it?

A. To the best of my recollection, yes.

Q. And that was public testimony given to the committee by Mr. Rumsey?

A. Yes.

Cross-examination.

By Mr. Sachs:

Q. Would you give again, Mr. Kunzig, the dates of the period, during which you served as counsel of this committee?

A. I believe I started on March 5th of 1953, the 83rd Congress, and I left the payroll of the House Committee on Un-American Activities February the 28th of this year.

Q. What, in general, were your duties as counsel of the committee? Was it counsel of or counsel for the committee?

A. I don't think it matters. I don't know that there was a difference.

Q. All right, what were your duties, in general?

A. To handle the hearings of the committee, to act as counsel at hearings of the committee, to advise the committee itself on all legal matters.

Q. Did you make arrangements for hearings?

A. Sometimes I may have made them. Usually, they were made by some of the other committee staff, such as the Clerk.

Q. Under your supervision?

A. No, we didn't operate under that type of a system. There was a—it varied at different times, but there was largely an overseeing group, and we each had our responsibilities.

Q. Was the selection of witnesses to be called, your responsibility?

A. That varied at different times. Largely not my specific responsibility, although I might have been in on a group discussing who should be called.

Q. Was the issuance of subpoenas your responsibility?

A. No, the issuance of subpoenas, including all subpoenas during the entire two years, I had nothing to do with at any time.

124 Q. Why did you smile so about that point?

A. No comment.

By Mr. Hitz:

Q. How about the granting of extensions of time as to subpoenas; was that your responsibility?

A. Since at that point there were usually lawyers in the case, lawyers for the defendants—pardon me—lawyers for the witnesses, I usually then would be called by one of the attorneys for a witness, and then usually, after conferring with the chairman, would grant the extension.

Q. And was that done by letter or wire at times?

A. Sometimes letter, sometimes wire. Sometimes it was agreed over the telephone, but there was usually always a confirming wire.

125 By Mr. Sachs:

Q. Let me diverge for just a moment to the hearings in Chicago which you testified about in response to Mr. Hitz's questions. Part 1 of the Chicago hearings. I think it is, I don't know if it is in evidence or not. Do you have
126 it before you, the statement that Mr. Velde made at the commencement of the Chicago hearings on March 15th?

The Court: I think he read it in evidence, didn't he?

A. I have it in front of me, yes.

By Mr. Sachs:

Q. Mr. Hitz asked you some questions about Mr. Velde's statement at that time, and as I remember, you spoke extemporaneously. Would you be good enough now to read into the record what Mr. Velde said at the commencement of that hearing.

Mr. Hitz: Is this the same passage that I asked about and you objected to it when we attempted to get it in? I think it is. I don't have a copy, however. Your recollection is good on that, I am sure.

Mr. Sachs: Yes. Yes, that is right. And I think my objection was overruled, and then the witness was called.

as I remember, to paraphrase what was said at that time. Now I am asking him to read what was said, since my objection was overruled. And I don't intend by this to waive my objection, but I just want to get the record straight.

The Court: Do you have the statement there?

The Witness: Right here.

The Court: You may read it.

By Mr. Sachs:

Q. You are reading, are you, from page 4165?

127 A. Yes, sir.

"Mr. Velde: The committee will be in order. I should like to make an opening statement regarding our work here in the city of Chicago. The Congress of the United States, realizing that there are individuals and elements in this country whose aim it is to subvert our constitutional form of government, has established the House Committee on Un-American Activities. In establishing this committee, the Congress has directed that we must investigate and hold hearings, either by the full committee or by a subcommittee, to ascertain the extent and success of subversive activities directed against these United States.

"On the basis of these investigations and hearings, the Committee on Un-American Activities reports its findings to the Congress and makes recommendations from these investigations and hearings for new legislation. As a result of this committee's investigations and hearings, the Internal Security Act of 1950 was enacted.

"Over the past fifteen years this committee has been in existence, both as a special and permanent committee, it has made forty-seven recommendations to the Congress to insure proper security against subversion. I am
128 proud to be able to state that of these forty-seven recommendations, all but eight have been acted upon in one way or another. Among these recommendations which the Congress has not acted upon are those which provide that witnesses appearing before congressional committee be granted immunity from prosecution on the information they furnish.

"The committee has also recommended that evidence secured from confidential devices be admissible in cases involving the national security. The executive branch of Government has now also asked the Congress for such legislation. A study is now being made of various bills dealing with this matter.

"The Congress has also referred to the House Committee on Un-American Activities a bill which would amend the National Security Act of 1950. This bill, if enacted into law, would provide that the Subversive Activities Control Board should, after suitable hearings and procedures, be empowered to find if certain labor organizations are in fact Communist-controlled action groups. Following this action, such labor groups would not have available the use of the National Labor Relations Board as they now have under the provisions of the Labor-Management Relations Act of 1947.

129 "During the first session of this 83rd Congress, the House Un-American Activities Committee has held hearings in Los Angeles and San Francisco, California; Albany and New York City, New York; Philadelphia, Pennsylvania, and Columbus, Ohio. We are here in Chicago, Illinois, realizing that this is the center of the great mid-western area of the United States.

"It cannot be said that subversive infiltration has had a greater nor a lesser success in infiltrating this important area. The hearings today are the culmination of an investigation that has been conducted by the committee's competent staff and is a part of the committee's intention for holding hearings in various parts of the country.

"The committee has found that by conducting its investigations and holding hearings in various parts of the country, it has been able to secure a fuller and more comprehensive picture of subversive efforts throughout our nation. Every witness who has been subpoenaed to appear before the committee here in Chicago, as in all hearings conducted by this committee, are known to possess information which will assist the committee in performing its directed function to the Congress of the United States."

130 Now, that is roughly where it ends. Do you want to go on? The rest relates to other witnesses.

By Mr. Sachs:

Q. Is what you have just read the basis for the testimony you gave in reply to Mr. Hitz's questions, as to what Mr. Velde said to be the purpose of the Chicago hearing?

A. Yes.

Mr. Sachs: Then, if Your Honor please, I move to strike at this point what the witness testified to on direct examination in paraphrasing what he has just read, to the extent that what he said may be additional to or inconsistent with his statement.

The Court: Very well, anything that is inconsistent with the statement, I will strike.

Mr. Hitz: But who is going to determine that?

The Court: The court.

Mr. Hitz: I agree it should, Your Honor.

Mr. Sachs: Does Your Honor also rule that anything additional to the statement will be stricken?

The Court: Yes.

Mr. Hitz: Very well.

By Mr. Sachs:

Q. Now, Mr. Kunzig,—

Mr. Hitz: Which purported to come from Mr. Velde's statement.

131 The Court: I beg your pardon?

Mr. Hitz: Which purported to come from Mr. Velde's statement.

The Court: That is right.

Mr. Hitz: Oh, I think that is quite correct. That is the reason I wanted to get it in, having been read by Mr. Kunzig, in the first place.

Mr. Sachs: I'm sorry, I didn't hear what Mr. Hitz said.

Mr. Hitz: I wanted it to be the statement as given by Mr. Velde. That is the reason I wanted to get it in there in the first place.

Mr. Sachs: I take it that essentially we are all in agreement, then.

Mr. Hitz: I think so.

The Court: Yes.

Mr. Sachs: That the only proper testimony as to the announced purpose of the hearing as given at Chicago is the actual statement that Mr. Velde gave.

Mr. Hitz: Oh, I think so, certainly.

The Court: That is right.

Mr. Sachs: And we intend that our objection to it still be in force, but if we are overruled, we are at this stage.

By Mr. Sachs:

132 Q. I want to ask you a few other questions, Mr. Kunzig.

I believe you said a moment ago, in answer to my question, that you had prepared the examination, of Mr. Watkins which took place on April 29th.

A. Well, let me say that I worked together with the committee staff in getting ready for it, yes.

Q. You prepared yourself to ask the questions?

A. That is right.

Q. You made the study that was necessary of the subject matter and of his statement, so that you could ask him the question. Is that right?

A. That is roughly correct, yes.

Q. Are you familiar with the statement made in the Government's memorandum of points and authorities in support of the motion to quash, as follows:—

Mr. Hitz: Will you give me the page?

Mr. Sachs: Page 6.

By Mr. Sachs:

Q. —and I am quoting:

“It would be”—

speaking of our subpoena in this case.

“It would be oppressive, because the clerk of the committee has informed Government counsel that it

would take three research analysts approximately two weeks to assemble the documents sought, and would take a truck to bring it to the courthouse."

Mr. Hitz: Your Honor, I object on two grounds: first, it is beyond the scope of the direct examination. It isn't material. If it is material, it should be brought out by Mr. Sachs in his case. Finally, it is incompetent, coming from this witness.

The Court: What is the purpose of the question, Mr. Sachs?

Mr. Sachs: The witness has testified that he prepared himself to examine Mr. Watkins, and I am asking this as a question preliminary to my next question, which will have to do with what preparation he made.

The Court: I will sustain the objection.

By Mr. Sachs:

Q. Well, I ask you this, then, Mr. Watkins:—

A. Kunzig.

Q. Mr. Kunzig. Are you familiar with the, did you examine the files of the committee relative to the people that Watkins was questioned about, and relative to Watkins himself?

Mr. Hitz: Excuse me, please, sir. I object on the ground that, first, it is beyond the scope; second, it is not material. If it is material, it is part of his case in defense. And finally, it means to explore into confidential matter
134 which we have not gone into.

The Court: What is the materiality of what preparation the witness made in preparing to examine Mr. Watkins?

Mr. Sachs: We want to know—May we approach the bench?

The Court: Well, we don't have a jury.

Mr. Sachs: I would just as soon the witness didn't know, if he doesn't already.

(At the bench:)

Mr. Rauh: This is part of our argument from yesterday, Your Honor. We want to show that the committee brought Watkins here when it already had the information in its own files, and we want to show that this witness did not examine this information.

The Court: What do you say, Mr. Hitz?

Mr. Hitz: Well, first of all, it is beyond the scope of the direct. You must put that in in your case in chief, when your testimony goes in, when your time comes. As to using this witness, if you care to make him your witness, we will not object to that procedural fact. We think, however, that the testimony, if elicited under those procedural circumstances, that is, this witness being called as a defense witness now, would be inadmissible, because it would be immaterial, because the defense now attempt to assert by the use of this evidence that if the committee has the information already, it can't get it again from this witness.

That has been decided in the Lawson case as not being a proper defense, and that an exclusion of evidence directed to that purpose was not an improper exclusion of evidence.

I cited to the court yesterday that portion of the appellant's brief in the Court of Appeals which raised that point as an assignment of error. It was not decided as such in the opinion by mentioning it, but it was hidden as one of those points upon which the court said there need not be discussion because discussion was not merited. But it was raised and considered by the Court of Appeals.

We have got, of course, the direct trial court's decision, which is advisory, of course, only, to Your Honor, by Judge Curran, deciding that point. But logic and reason would clearly indicate that such a ruling was the one which should prevail. Because who is the witness to say to the committee, "When you ask me this question, although I don't know what you know, I will pass judgment that what you know is all you can find out, because I won't tell you, because I am saying you already have the information," although he couldn't have the information, he couldn't know what the committee knows.

It is just ridiculous to say, "You have got all the information you could ever have on this subject of infiltration into this union, so far as I am concerned." It is just preposterous.

Mr. Rauh: If Your Honor please, we only have a very limited question we would like to ask. Maybe Mr. Hitz would concede it. That is, Did Mr. Kunzig not first examine his files, this alleged truckload of files, before he questioned the defendant?

And I don't want to re-argue yesterday, Your Honor was very kind in hearing us yesterday,——

The Court: I was wondering if we were going to hear it again today.

Mr. Rauh: You are not, I can assure you, Your Honor. This is a different, this is a point that is related, but it is not on the exposure point. It is limited to the one question that they cannot go and haul a witness out of Rock Island, Illinois, without examining their files first to determine whether they have the information.

The Court: I think I will permit the question. You are limiting it to that question, now?

Mr. Rauh: Yes.

Mr. Hitz: Well, I would like to make—— Well, I have already made my objection.

(In open court:)

Mr. Sachs: Will you read the question, please?

(Whereupon, the reporter read the pending question, which appears on page 133.)

By Mr. Sachs:

Q. This question, of course, relates to prior to the examination of Watkins.

Now will you answer the question?

A. To the best of my recollection, I didn't usually look or examine voluminous files that the committee may have, no. I would have gotten that information after discussion with investigators.

Q. Would you say, then, that at the time you examined

Watkins, you had in your knowledge the information in the files of the committee, relative to Watkins and the people you questioned him about?

Mr. Hitz: We object on the same ground. It is beyond the scope, it is immaterial, and it delves into matters that we did not go into, of a confidential character.

The Court: Objection overruled.

A. I probably had the basic information in my knowledge, yes.

By Mr. Sachs:

Q. You say you probably did have it in your knowledge?

A. Or in some sort of notes of some kind before me, yes.

Q. Do you know what information is in the committee's files relative to the people you questioned Watkins
138 about, and relative to Watkins?

A. Well, I don't know as I could relate that without looking, I don't know, and I don't have any knowledge today what is in the committee's files about this, except what is public testimony.

Q. Well, did you know at the time you questioned Watkins?

A. You see, a great deal, a large part of it was public testimony.

Q. Mr. Kunzig, if you can, I would like for you to answer yes or no, and then if you want to explain, you can. If you can't answer yes or no, then it is all right.

A. I don't think I can answer yes or no to that question. I could have had some knowledge, yes, based upon a briefing and study with various investigators. A lot of material came from public testimony which was available to everybody—yourself, myself, anyone.

Q. My question is really quite a simple question: Did you know, when you examined Watkins, the information in the committee's files relative to the people you asked him about, and relative to him?

A. I would have known what I was briefed by investigators. Whether that is all the information, of course, does not lie within my knowledge.

Q. When were you briefed by the investigators?

139 A. I have no idea. Sometime prior to the hearing.

Q. Do you remember being briefed by the investigators?

A. I remember, I was always briefed by investigators, so it must have taken place in this case.

Q. Do you remember specifically that you were in this case?

A. Yes, I do recall being——

Q. Do you remember who the investigators were?

Mr. Hitz: Excuse me,——

The Court: Yes, I will sustain the objection.

By Mr. Sachs:

Q. Do you remember where the investigation took place?

Mr. Hitz: Object.

The Court: Sustained.

By Mr. Sachs:

Q. Do you remember if you were briefed in writing or orally?

Mr. Hitz: Object.

The Court: Sustained.

By Mr. Sachs:

Q. Do you remember how long the briefing took?

Mr. Hitz: Objection.

The Court: Sustained.

140 Mr. Sachs: May it please Your Honor,——(Breaking off and smiling)

By Mr. Sachs:

Q. Do you remember today the information that the investigators gave you?

Mr. Hitz: Object.

The Court: Sustained.

Mr. Sachs: Well, let me just ask this question, then, on that point.

By Mr. Sachs:

Q. Did you know, when you asked Watkins, all the information that the committee had in its files concerning the people you questioned Watkins about, and concerning Watkins?

Mr. Hitz: Object.

The Court: I overrule that.

A. I believe I have already answered that question and said I would know what I was briefed by the investigators. Whether that was all the information in the committee's files, I wouldn't know, because I don't know what is in the mind of the investigator.

By Mr. Sachs:

Q. And you still wouldn't know today if at that time you had all the information in the committee's files, would you?

A. No, I wouldn't know.

141 Q. — about these people?

A. I wouldn't know any differently today, no.

148 Mr. Sachs: Will you mark this Defendant's 1, for identification.)

(Subpoena was marked as Defendant's Exhibit 1 for identification.)

Mr. Sachs: And this as Defendant's 2 for identification.

(Telegram was marked as Defendant's Exhibit 2 for identification.)

The Deputy Clerk: Marked Defendant's Exhibits Numbers 1 and 2 for identification.

By Mr. Sachs:

Q. I show you Defendant's 1 for identification and ask you if you can, if you know what it is, if you can identify it.

A. It looks like a subpoena of the House Committee on

Un-American Activities, summoning John Watkins.

149 Q. I show you now Exhibit 2 for identification and ask you if you know what that is.

A. It looks like it was a telegram of postponement from Mr. Velde to Mr. Watkins, postponing the hearing from April 26th to the 29th.

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170 Mr. Rauh: The defendant respectfully moves to dismiss the complaint under Rule 21 or enter a judgment of acquittal under Rule 29, on the following grounds: one—and I may say, at the beginning of item one, that Judge Pine has already ruled on this matter unfavorably to us, but we feel that the matter should be presented to Your Honor..

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One: The indictment is void and illegal, in that more than eleven members of the grand jury which voted this indictment were biased and prejudiced against the defendant and unable to exercise an independent judgment, by reason of the fact that they, or close associates, including relatives, were employed by or were seeking employment with the United States or the District of Columbia Government; because of the seven years of operation of the loyalty and security programs, the said grand jurors feared the appearance of sympathetic association or any action which might be considered left-wing or Communist, to such

171 an extent that they were prevented from casting their votes impartially, which fears amounted to an actual bias against the defendant..

The facts on which this motion are based are more fully set forth in the affidavit of myself, executed on January 10, 1955. This motion was denied by Judge Pine on February 7, 1955, but is renewed here in the belief that Your Honor might desire to hear argument thereon.

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192 Point number 11: Congressional committees must act with the least possible power adequate to the

end proposed," citing Anderson against Dunn and Marshall against Gordon. I am not going to bore Your Honor with a repetition of yesterday's argument. You needn't fear on that score.

The Court: I enjoy it.

Mr. Rauh: Thank you, sir. I would just like to say here that we believe the point is applicable even without the proof that we sought and that Your Honor denied us in quashing the subpoena. But apart from that, we feel that on the Government's case, the matter has now been proven. Mr. Hitz conceded, indeed he vehemently proposed, in his written brief, that they had a truckload; in his oral statement yesterday, a truckload, maybe two, of information concerning Mr. Watkins and these people. This morning on the stand, Mr. Kunzig said that he didn't know what was in the committee's files.

It is perfectly clear that nobody sought, through this truckload or two truckloads of information which would take three analysts two weeks to put together—if it would take that long to put it together, heaven knows how long it would take to analyze it.

We say that you cannot call Mr. Watkins by compulsory process from Rock Island, Illinois, and put him before a committee, force him to answer questions, when that material may be—and all we have proved now is "may be," because we have not, our subpoena was denied—when that material may be in the files of the committee.

That committee, to act with the least possible power, must look first inside themselves and their files, and then take an American citizen and force him to come and make compulsory testimony.

Point number 12: If the questions were within the scope of the committee's authorizing resolution, the matter under inquiry and the questions asked are unconstitutional because in violation of the doctrine of separation of powers. This is our fundamental exposure argument. That, too,

I shall not repeat after yesterday.

I would like to say just one point here on the Government's proof on this point. The Government apparently rests on the pertinency of the questions asked the

defendant, on their face. We say those questions on their face show something else, a purpose of exposure.

If they had asked the defendant Watkins, when he refused to say whether Harold Fisher was a member of the Communist Party,

“Didn’t you and he do something in that Party to help the Communist Party? Didn’t you and he do something to help the labor movement—to help the Communists inside the labor movement? Didn’t you and he try to affect the labor movement? Didn’t he and you try to do this or do that?”

it would have shown some indication of wanting information for operating purposes.

The questions on their face, if Your Honor please, show an interest only in listing people. Why, they made one question, and they put almost thirty people in one question. What they were trying to get was a list of Americans who had at one time been in the Communist Party.

We say that is not a legislative function. We shall, in our direct case, if this motion is denied, make much fuller proof on this exposure point. But insofar as the questions on their face are before Your Honor, we feel the 195 matter has already been shown.

Point number 13 is really a continuation of Point number 12. If in fact this is an exposure purpose, if in fact it is an attempt to build lists, then it is also a bill of attainder in violation of Article I, Section 9 of the Constitution, and the Lovett case. I shall not, however, argue that, because it is really a reverse coin of the previous argument.

Point number 14 is the First Amendment argument. I am sure Your Honor is familiar with it. The point has never been passed on by the Supreme Court of the United States. The reason for avoiding it in the Rumely case is what brought that narrow construction. It was up again last Monday, when the Quinn and Emspak cases were up, and it is more than somewhat in this case.

However, I would be less than frank if I did not say that on this point, as distinguished from some of the others,

there are Court of Appeals decisions which hold against us.

Point number 15: If the questions asked are held to be within the scope of the committee's authorizing resolution: Section 192, read in the light of the Un-American Activities Committee's unlimited authority, is too vague and indefinite for a criminal statute, and in violation of the Fifth and Sixth Amendments.

This is the Cohen Grocery case and the Lanzetta 196 case with which Your Honor is familiar.

We would like to point out here that the committee's actions accentuated rather than minimized the vagueness and indefiniteness. You hear the testimony. There was no written direction to the committee, setting up any question—to the subcommittee, setting up any question under inquiry. The subcommittee really failed to state anything that could be called a question under inquiry. It made a vague reference to Chicago, and in Chicago, if Your Honor will look at it, you will see that there was nothing there that could be definite enough to know what was pertinent.

263 The Court: * * * I think that disposes of the major items that you raised and I will deny both motions of the defendant.

265 Mr. Sachs: May it please the Court, at this time the defense will commence the presentation of its case, its motions having been overruled, and we offer into evidence a subpoena served on the defendant which has been marked for identification Defendant's Exhibit No. 1.

We understand that the Government stipulates with us that this is the original subpoena which was served on the defendant.

266

Mr. Hitz: Right.

The Court: I will receive it.

The Deputy Clerk: No. 1 in evidence.

(The document marked Defendant's Exhibit No. 1 for

267

Mr. Sachs: This is called, "Original."

"By authority of the House of Representatives of the Congress of the United States of America.

"To the United States Marshal, Dubuque, Iowa.

"You are hereby commanded to summon John T. Watkins to be and appear before the Committee on Un-American Activities, or a duly authorized subcommittee thereof, of the House of Representatives of the United States, of which the Hon. Harold H. Velde is chairman, in their chamber in the city of Washington, Room 225-A, Old House Office Building, on Monday, April 26, 1954, at the hour of 10:30 a. m., then and there to testify touching matters of inquiry committed to said Committee; and he is not to depart without leave of said Committee.

"Herein fail not, and make return of this summons.

"Witness my hand and the seal of the House of Representatives of the United States, at the City of Washington, this 6th day of April, 1954.

Harold H. Velde, Chairman.

"Attest: Lyle O. Snader."

We next want to state to the Court that Mr. Hitz and we have stipulated that our Exhibit No. 2, which has been identified, is the telegram which was sent to and received by John T. Watkins pursuant to a request for continuance of the hearing. We would like this to be put in evidence on the same point.

268 Mr. Hitz: We do not object in view of the Court's ruling on the other matter.

The Deputy Clerk: Defendant's No. 2 in evidence.

(The document marked Defendant's Exhibit No. 2 for identification was received in evidence.)

Mr. Sachs: The body of this subpoena, if Your Honor please, says:

"Under continuing authority of subpoena served upon you April 13, 1954, your appearance before the Committee on Un-American Activities is hereby post-

poned from April 26 to Thursday, April 29, 1954,
10:30 a. m.

271 Mr. Rauh: May it please the Court, the first item we have is in the nature of an offer of proof.

On May 16 the defense served subpoenas on the clerk of the House of Representatives and the clerk of the Committee on Un-American Activities of the House requesting the information in the files of the committee on defendant, on each of the persons about whom the defendant was asked and declined to answer.

The Government moved to quash the subpoenas, and Your Honor has granted that motion as well as denying defendant's request that the Court rule that the documents specified in the subpoenas issued in this case are evident and material to defendant's case and to request the House to permit the requesting and copying of these documents.

Defendant moved to dismiss the indictment on the grounds of failure to obtain this information, depriving him of the right to make a full defense guaranteed by the Fifth and Sixth Amendments of the Constitution, and Your Honor denied that motion.

We would now as part of defendant's case like Your
272 Honor to reconsider the rulings on these three motions as a part of our case. I do that prior to making our offer of proof of what we would have shown.

The Court: I deny the motion.

Mr. Rauh: We would like at this time to make an offer of proof of what we would have shown through the material covered by the subpoenas.

We would have shown and now offer to show through the subpoenaed material that the committee had in its files all the information which it sought to elicit from the defendant about him and each of the other thirty individuals referred to and, in fact, a great deal more such information.

Having shown that the committee had all the information in its files which it sought to elicit from defendant it would follow that the committee had no legislative purpose in its questions to defendant but rather had the sole purpose of harassing defendant and exposing him to the contempt of his

labor associates by forcing him to inform on past associates and exposing to public contempt through the mouth of the defendant the persons about whom he was questioned.

Furthermore, the same proofs that the committee had in its files, all the information which it sought to elicit from defendant, would have demonstrated that the committee was not acting with the least possible power, as required by the Supreme Court of the United States, but was in fact seeking to compel testimony from the defendant
273 which it had already obtained from other sources.

If Your Honor please, by the same token as your rulings on those motions, it would appear to be your view that the information which the committee had about these thirty people which was public would also not be relevant because if it is not relevant, what they had privately and what we don't know about, I presume it is Your Honor's view that what they had publicly and we do know about is also irrelevant.

The Court: That is right.

Mr. Rauh: Therefore, in order to avoid burdening Your Honor with reading the material we would now like to make an offer of proof as part of what we would have shown through the subpoenas of the material that is public, because obviously they would have included both the public and the private material.

Therefore, instead of bothering to read this material we have gotten together out of their reports and hearings, we would simply like to offer this as an exhibit to be treated as our offer of proof.

The Court: Any objection, Mr. Hitz?

Mr. Hitz: Yes, I do object on the same grounds.

The Court: Objection sustained.

Mr. Rauh: We now proffer this as an offer of proof. I would suggest for simplicity's sake we mark it as an exhibit rather than typing it all into the record.

274 Mr. Hitz: I think so. Is it hearings or reports, or both? Could you characterize it?

Mr. Rauh: This is both hearings and reports and contains the public information we were able to find on the thirty individuals.

The Court: * * * Mark it for identification No. 4 but not as received.

275 (The documents referred to were marked for identification as Defendant's Exhibit No. 4.)

* * * * *

Mr. Rauh: May it please the Court, we have prepared a great deal of information going to the question that the House Un-American Activities Committee asserted a two-fold purpose and power, one dealing with legislation and one dealing with exposure.

We do not assert and never have—and I want to disassociate myself from any defendants that Mr. Hitz keeps associating us with—taken the position that the House committee always went beyond its authority and has no legislative pertinency.

The material that we have collected is excerpts from House committee reports, House committee hearings, Congressional Record statements and newspapers, going to the point that the House committee asserts an independent power all apart from legislation to expose persons to public knowledge.

Now, Mr. Hitz has stipulated with us as to the fact that the materials we have collected were in fact stated by
276 the committee, by the committee members, either in hearings, in reports, on the Congressional floor, or in newspapers. However, he has not stipulated with us as to the materiality or relevance of this material, and since it is very bulky I suppose before I read this entire material to Your Honor we had better have a ruling on the relevancy.

It is offered, if Your Honor please, and our belief is that we are entitled to show in this particular case there was a purpose of exposure rather than of legislation; and as relevant to proof of exposure here we offer detailed information of the assertion by the committee of a power of exposure independent of legislation.

It is that material as to which we have entered into a written stipulation as to its authenticity, and if Mr. Hitz would now care to be heard on the question of whether I should be allowed to read this then we can get to it.

Since this has been a major matter and Your Honor knows our views thoroughly on the point of the exposure, I just rest and say that I would like to read this material to the Court.

Mr. Hitz: We object to its admissibility because we say it is not material to any issue in the case, whether it be the Government's or the defense's case.

As to whether or not Mr. Rauh desires to read it, having made it as an offer of proof on a subject matter on 277 which I think the Court has already ruled adversely to him is entirely up to Mr. Rauh. Personally, I think it ought not to be read.

The Court: You don't want to read it unless I am going to admit it.

Mr. Rauh: Not if you rule it is irrelevant. I felt that the previous rulings quite went to the point that we did not have a right to prove exposure.

The Court: I don't think proving statements made by committee members that they asserted the right to prove exposure tends to prove exposure in this case.

Mr. Rauh: To make it clear to Your Honor what these statements are, there are some by the committees themselves not just members, but some by members.

The Court: Do any of them relate to the Watkins case?

Mr. Rauh: No, sir.

The Court: I will sustain the objection.

Mr. Rauh: At this time, if Your Honor please, we would like to, in the least painful method possible, make a second offer of the material.

We have a stipulation, if Your Honor please, with Mr. Hitz, as to the nature of the documents. The documents are of four types.

The first are the documents listed in Schedule A which have been initialed by counsel for both parties. They are the official publications of the committee, true and 278 accurate transcriptions of the hearings and reports, and we are offering only the marked parts of these documents. The marked parts have been shown to Mr. Hitz and he is aware of them.

I will put the whole exhibit together and then we can mark them all together when I finish describing these.

The Court: Is it your thought that they should be handled the same way that the other exhibit was handled?

Mr. Rauh: Precisely.

The Court: Treat it as an exhibit for identification but not received in evidence, the record to show that it was an offer of proof.

Mr. Sachs: I was worried until you said it would be treated as an offer of proof. That satisfies us.

Mr. Hitz: Will this bear additional defense exhibit numbers?

Mr. Rauh: Mrs. Zarky, who has handled most of these papers, feels that for future use possibly it would be easier for everybody if we made the stipulation an exhibit number and then each of the four schedules.

The Court: A separate number?

Mr. Rauh: A separate number.

Mr. Hitz: Do you plan to offer the stipulation in evidence?

Mr. Rauh: I do.

Mr. Hitz: It is my suggestion that you give that a
279 separate number, and to that I will not object. I think that should go in evidence. I think the documents under it I will object to. I think that will make a better record, perhaps.

Mr. Rauh: I would like to offer, then, a stipulation between Mr. Hitz and Mr. Sachs as our exhibit, No. 5, I believe it is.

(The document referred to was marked for identification as Defendant's Exhibit No. 5.)

Mr. Hitz: We do not object to the stipulation.

The Court: It will be received.

(The document marked as Defendant's Exhibit No. 5 for identification was received in evidence.)

Mr. Rauh: As exhibit for identification No. 6 I will offer the Schedule A referred to in the stipulation, each of the documents referred to in Schedule A to be numbered consecutively 6-A, B, C, and so on.

The Court: Alphabetically?

Mr. Rauh: Yes, 6-A, B, C, and D, until the end.

(The documents referred to were marked for identification as Defendant's Exhibits 6 and 6-A to 6-O, inclusive.)

Mr. Rauh: Our offer of proof here is not the entire documents but the marked portions of them, which have been made available and shown to Mr. Hitz.

Mr. Hitz: Your Honor, I have seen what is now Defendant's Exhibit 6, with letters, and we object to it as
280 being immaterial to any proper issue of the case.

The Court: Objection sustained.

Mr. Hitz: That will read Defendant's Exhibit 6, plus letters, for identification, to be understood as an offer of proof. Is that the way the record should read?

Mr. Rauh: That is my understanding.

We offer as Defendant's Exhibit 7 the excerpts from the documents included in Schedule B of the stipulation which is Exhibit 5 in evidence, which contains material which we were unable to get a sufficient number of copies to treat it in the same way as Exhibit No. 6. So this will become Exhibit No. 7 for identification, objected to by the Government, and offered as proof by the defense.

The Deputy Clerk: Marked Defendant's Exhibit No. 7 for identification.

(The document referred to was marked as Defendant's Exhibit No. 7 for identification.)

The Court: The objection is sustained.

Mr. Rauh: Exhibit No. 8, material referred to in Schedule C of Exhibit No. 5, contains statements on the floor of Congress, of course by Congressmen, concerning the purpose of the committee. It is offered as Exhibit No. 8 for identification.

The Deputy Clerk: Defendant's No. 8 for identification.

281 (The document referred to was marked for identification as Defendant's Exhibit No. 8.)

Mr. Rauh: I take it the exhibit is objected to, and then it is offered as an offer of proof.

The Court: Do you object?

Mr. Hitz: I do object to it.

The Court: Objection sustained.

Mr. Rauh: Exhibit No. 9, and our final exhibit, if Your Honor please, is the material referred to in Schedule D of Exhibit 5, press statements of members of the committee, and it is offered as Exhibit No. 9 for identification.

The Deputy Clerk: Defendant's Exhibit No. 9 for identification.

(The document referred to was marked for identification as Defendant's Exhibit No. 9.)

Mr. Rauh: I presume it is objected to, and then it is offered as proof.

Mr. Hitz: I do object.

The Court: Objection sustained.

285 Mr. Rauh: Since we did not offer any substantial amount of evidence and since we did have a substantial amount of evidence included in these points, we would simply like to renew our motions of yesterday.

The Court: It seems to me that under the authorities the Court is bound to hold the defendant guilty—under my view of the authorities, I will put it that way—and I do so find.

GOVT. EXHIBIT No. 1

Filed July 18, 1955. Harry M. Hull, Clerk

H. Res. 2

In the House of Representatives, U. S.:

January 3, 1953.

Resolved, That a message be sent to the Senate to inform that body that a quorum of the House of Representatives has assembled; that Joseph W. Martin, Junior, a Representative from the State of Massachusetts, has been elected Speaker; and Lyle O. Snader, a citizen of the State of Illi-

nois, Clerk of the House of Representatives, of the Eighty-third Congress.

Attest:

LYLE O. SNADER,
Clerk.

GOVT. EXHIBIT No. 2

Filed July 18, 1955. Harry M. Hull, Clerk

Lyle O. Snader,
Clerk

Office of the Clerk

House of Representatives

Washington, D. C.

I, Lyle O. Snader, Clerk of the House of Representatives, do hereby certify that the following Members constitute the Committee on Un-American Activities of the House of Representatives as is evidenced in the Journal of the House of Representatives of January 19, 1953: Harold H. Velde, Chairman, of Illinois, Bernard W. (Pat) Kearney, of New York, Donald L. Jackson, of California, Kit Clardy, of Michigan, Gordon H. Scherer, of Ohio, Francis E. Walter, of Pennsylvania, Morgan M. Moulder, of Missouri, Clyde Doyle, of California, and James B. Frazier, Jr., of Tennessee.

In witness whereof I hereunto affix my name and the seal of the House of Representatives, in the City of Washington, District of Columbia, this eleventh day of May anno Domini one thousand nine hundred and fifty-four.

LYLE O. SNADER,
Clerk of the House of Representatives.

GOVT. EXHIBIT No. 3

Filed July 18, 1955. Harry M. Hull, Clerk

Lyle O. Snader
Clerk

Office of the Clerk
House of Representatives
Washington, D. C.

I, Lyle O. Snader, Clerk of the House of Representatives, do hereby certify that the attached is a true and correct copy of House Report 1579 of the Eighty-third Congress, second session, as submitted to the House of Representatives May 11, 1954, by Mr. Velde, of Illinois, from the Committee on Un-American Activities and noted in the Journal of the House of Representatives of May 11, 1954, Eighty-third Congress, second session.

In witness whereof I hereunto affix my name and the seal of the House of Representatives in the City of Washington, District of Columbia, this eleventh day of May anno Domini one thousand nine hundred and fifty-four.

LYLE O. SNADER,
Clerk of the House of Representatives.

Filed July 18, 1955. Harry M. Hull, Clerk

PROCEEDINGS AGAINST JOHN T. WATKINS

MAY 11, 1954.—Ordered to be printed

Mr. VELDE, of Illinois, from the Committee on Un-American Activities, submitted the following

REPORT

Citing John T. Watkins

9 Because of the foregoing, the said Committee on Un-American Activities was deprived of answers to pertinent questions propounded to said John T. Watkins, relative to the subject matter which, under Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 83d Congress, the said committee was instructed to investigate, and the refusal of the witness to answer questions, namely:

Do you know Harold Fisher to be a member of the Communist Party?

Did you know Charles Hobbe to be a member of the Communist Party?

Did you know Henry Mack to be a member of the Communist Party?

Do you know Ernest DeMaio to be a member of the Communist Party?

Do you know him [Ernest DeMaio]¹ to have ever been a member of the Communist Party?

Did you know Charles Killinger to be a member of the Communist Party?

Mr. Watkins, I am going to read a list of names to you. I will read it slowly—and I am going to ask you—these are all names identified as members of the Communist Party by Mr. Rumsey in his testimony in Chicago. I am going to read the list and ask you whether you ever knew any of these people to be members of the Communist Party: Lee Landbaker; Morris Childs; Dorothy Hillyerd; Theo Kruse; Charles Lawson; Olaf Lidel, L-i-d-e-l; Sarah Levine; Murray Levine; Harriet Leuth, L-e-u-t-h; Herbert Marsh; Ajay Martin; Harold Metcalf; John Milkevitch; Grant Oakes; Joe Ruick, R-u-i-c-k, or alias Joe Webber; Frank Rogers; Arthur Saunders; Seymour Siporin; Joseph Stern; George Teeple, T-e-e-p-l-e; Ray Teeple; Donald Tieglan, T-i-e-g-l-a-n; Rex Wielock; John Wilson; Marie Wilson; Mrs. John Wilson. Do you know any of those names I just read to you to have been members of the Communist Party?

which questions were pertinent to the subject under inquiry, is a violation of the subpoena under which the witness had previously appeared, and his refusal to answer the aforesaid questions deprived your committee of necessary and pertinent testimony, and places the said witness in contempt of the House of Representatives of the United States.

¹ Words inside brackets added for clarity.

GOVT. EXHIBIT No. 4

Filed July 18, 1955. Harry M. Hull, Clerk

H. Res. 534

In the House of Representatives, U. S.:

May 11, 1955.

Resolved, That the Speaker of the House of Representatives certify the report of the Committee on Un-American Activities of the House of Representatives as to the refusal of John T. Watkins to answer questions before the said Committee on Un-American Activities, together with all of the facts in connection therewith, under seal of the House of Representatives, to the United States Attorney for the District of Columbia, to the end that the said John T. Watkins may be proceeded against in the manner and form provided by law:

Attest:

LYLE O. SNADER,
Clerk.

GOVT. EXHIBIT No. 5

Filed July 18, 1955. Harry M. Hull, Clerk

Joseph W. Martin, Jr.
14th Dist., Massachusetts

The Speaker's Rooms

House of Representatives

Washington, D. C.

The United States Attorney,
District of Columbia.

The undersigned, the Speaker of the House of Representatives of the United States, pursuant to House Resolution 534, Eighty-third Congress, hereby certifies to you the refusal of John T. Watkins to answer questions before

the Committee on Un-American Activities of the House of Representatives authorized by Public Law 601, Seventy-ninth Congress, and House Resolution 5 of the Eighty-third Congress, as is fully shown by the certified copy of the report (House Report 1579) of said committee which is hereto attached.

Witness my hand and the seal of the House of Representatives of the United States, at the City of Washington, District of Columbia, this twelfth day of May 1954.

JOSEPH W. MARTIN, JR.,

Speaker of the House of Representatives.

Attest:

LYLE O. SNADER,

Clerk of the House of Representatives.

Gov'T. EXHIBIT No. 6

INVESTIGATION OF COMMUNIST ACTIVITIES IN THE CHICAGO AREA—PART 3

Filed July 18, 1955, Harry M. Hull, Clerk

Cr. 1153-54—U.S. v. Watkins

HEARING BEFORE THE COMMITTEE ON UN-AMERICAN ACTIVITIES,
HOUSE OF REPRESENTATIVES

Eighty-Third Congress

Second Session

April 29, 1954

Printed for the use of the Committee on Un-American Activities

[4265] INVESTIGATION OF COMMUNIST ACTIVITIES IN THE CHICAGO AREA—PART 3

Thursday, April 29, 1954

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE COMMITTEE
ON UN-AMERICAN ACTIVITIES,
Washington, D. C.

Public Hearing

Mr. Velde: The Committee will be in order.

Let the record show that I have appointed as a subcommittee for the purposes of this hearing Mr. Scherer, Mr. Moulder, Mr. Frazier, and myself as chairman.

The hearing this morning is a continuation of the hearings which were held in Chicago recently by a subcommittee composed of Mr. Scherer, Mr. Moulder, and myself. At that time two witnesses were unavailable, at least the committee staff were unable to find these two witnesses to issue a subpoena for them. Subsequent to that time I believe that these witnesses have been subpoenaed, so we will proceed, Mr. Counsel, at the present time with the witnesses.

Mr. Kunzig: John T. Watkins. Will you step forward, please.

Mr. Velde: In the testimony you are about to give before this subcommittee do you solemnly swear you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Watkins: I do.

Mr. Velde: Be seated.

Testimony of John T. Watkins, Accompanied by His Counsel, Joseph L. Rauh, Jr., and Daniel H. Pollitt

Mr. Kunzig: Would you give your full name, please, sir?

Mr. Watkins: John T. Watkins.

Mr. Kunzig: I see that you are accompanied by counsel. Would counsel please state his name and office address for the record.

Mr. Rauh: My name is Joseph L. Rauh, R-a-u-h, Jr., 1631 K Street, and with me is Mr. Daniel H. Pollitt,

4266 P-o-l-l-i-t-t, of 1631 K Street. We are Washington counsel for the United Automobile Workers, CIO.

Mr. Kunzig: Are you also counsel here this morning for Mr. Watkins?

Mr. Rauh: In our capacity as counsel we are representing Mr. Watkins.

Mr. Kunzig: Would you give your address please, Mr. Watkins?

Mr. Watkins: 1244-22nd Avenue, Rock Island, Ill.

Mr. Kunzig: Rock Island, Ill.

Mr. Watkins: Yes, sir.

Mr. Kunzig: Would you give the committee a brief résumé of your educational background?

Mr. Watkins: My educational background was the eighth grade.

Mr. Kunzig: And where was that?

Mr. Watkins: Mount Sterling, Iowa.

Mr. Kunzig: Mount Sterling, Iowa?

Mr. Watkins: Right.

Mr. Kunzig: Now, would you give the committee a résumé of your employment background?

Mr. Watkins: My first job for salary was a part-time job as janitor of the school at the age of 10, for which I received \$3 per month.

At 13 I was employed in farm work. Following that I was employed in a thread factory in Elgin, Ill.; later by the Illinois Watch Case Co. in Elgin, Ill.

Following that, approximately 1925, I was employed in farm work in the vicinity of Stronghurst, Ill., in which I spent several years.

Following that I was employed in construction work building hard roads, pipelines, and later, during the depression years of 1932, 1933, and 1934, I was employed in building a railroad for the Rock Island Railroad Co. around Trenton, Mo.

Following that I was employed on WPA. I believe it was, construction work, in the construction of locks at Burlington, Iowa.

I was later employed by International Harvester Co. at the Farm-All Works, and again later in construction

work in Muscatine, Iowa, on the Mississippi River, and leaving there, I went to work at the East Moline Works of the International Harvester Co. in East Moline, Ill.

I believe I did forget that in 1929 I also had worked a brief period for the John Deere Co., John Deere Plow Works, and for a few months for the International Harvester Co. as a service repairman in East Moline and Minneapolis, Minn.

Since the latter part of 1935 or the first part of 1936 my employment with the Harvester Co. continued until August of 1953. However, since 1942 I have been on leave from that job under the labor union contract and was employed by the Farm Equipment FE-CIO International Union, later by the UE, known as United Electrical, Radio and Machine Workers, and at the present time by the UAW-CIO, International Union.

Mr. Velde: Was your employment with UE following the merger with FE?

Mr. Watkins: That is correct.

(At this point Mr. Watkins conferred with Mr. Rauh.)

Mr. Watkins: I understood the question to say UE. Your question was in regard to UE, was it not?

Mr. Velde: Yes.

4267 Mr. Watkins: I had worked for FE-CIO prior to my employment with UE, but in 1949 I was employed by UE, in the latter part of 1949.

Mr. Velde: That was after they had merged with FE, however?

Mr. Watkins: That is right.

Mr. Velde: That is what my question was.

Mr. Kunzig: When did you leave the UE employment?

Mr. Watkins: In August 1953.

Mr. Kunzig: And when did you go with the United Auto Workers?

Mr. Watkins: In August 1953.

Mr. Kunzig: And you are presently with United Auto Workers?

Mr. Watkins: That is right:

Mr. Kunzig: Now, Mr. Watkins, on September 3, 1952, at hearings before this committee one Donald O. Spencer testified as follows:

Question: During the period that you were a member of the Farm Equipment Workers did you become a member of the Communist Party?

Mr. Spencer: Yes.

Q. When did you become a member?

Mr. Spencer: In 1943, in October.

Question: How long did you remain a member of the Communist Party?

Mr. Spencer: Well, my dues were paid until the 1st of January 1946.

Question: Who recruited you into the Communist Party?

Mr. Spencer: Walter Rumsey, R-u-m-s-e-y encouraged me into the party with the endorsement and full knowledge of John Watkins.

Question: Is that John Watkins?

Mr. Spencer: Yes, sir. He was district vice president of the FE at that time.

Did you know Donald O. Spencer?

Mr. Watkins: I did.

Mr. Kunzig: Were you ever a member of the Communist Party?

Mr. Watkins: No.

Mr. Kunzig: Are you now a member of the Communist Party?

Mr. Watkins: No.

Mr. Kunzig: Did you have anything to do with recruiting into the Communist Party Mr. Spencer?

Mr. Watkins: I did not.

Mr. Kunzig: Did you ever recruit anybody into the Communist Party?

Mr. Watkins: I have not.

Mr. Kunzig: I will go on with the testimony.

Mr. Spencer: John Watkins, he approved my recruitment before I was admitted.

I will ask you now, did you approve the recruitment of Spencer before he was admitted to the Communist Party?

Mr. Watkins: Read your question again.

Mr. Kunzig: Mr. Spencer's testimony was that "John Watkins approved my recruitment before I was admitted."

My question to you is: Did you ever approve the recruitment of Spencer to the Communist Party before he was admitted?

Mr. Watkins: No, sir.

Mr. Kunzig: Now, the question was asked:

Mr. Spencer, did you ever attend meetings in the home of John Watkins, Communist Party meetings? And Spencer said: "No."

Question: Were you acquainted with Catherine Hall, wife of John Watkins?

4268 Spencer: Yes, she wasn't the wife of John Watkins at that time, though. She was working in the office, the district office of FE-CIO in Rock Island at that time.

Question: Was she a member of the Communist Party?

Mr. Spencer: Well, she attended the meetings, and I never saw her card but she would have had to have been or she couldn't attend the meetings.

Now, Mr. Spencer goes on:

Well, this was a very small meeting, and I was called in there and told to report to the Sherman Hotel, and when I got there at the desk I was told to go up to a room on the eighth floor. I went up there and there were only three people present at that meeting and it was Kate Hall, John Watkins, and Jerry Fielde.

Did you ever attend any meeting in the Sherman Hotel with Kate Hall and Jerry Fielde?

Mr. Watkins: I have. I would like to make a brief statement possibly in regard to—

Mr. Kunzig: In regard to this meeting?

Mr. Watkins: Yes.

Mr. Kunzig: All right.

Mr. Watkins: I am not now nor have I ever been a card-carrying member of the Communist Party. Rumsey was wrong when he said I had recruited him into the party, that I had received his dues, that I paid dues to him, and that I had used the alias Sam Brown.

Spencer was wrong when he termed any meetings which I attended as closed Communist Party meetings.

I would like to make it clear that for a period of time from approximately 1942 to 1947 I cooperated with the Communist Party and participated in Communist activities to such a degree that some persons may honestly believe that I was a member of the party.

I have made contributions upon occasions to Communist causes. I have signed petitions for Communist causes. I attended caucuses at an FE convention at which Communist Party officials were present.

Since I freely cooperated with the Communist Party I have no motive for making the distinction between cooperation and membership except the simple fact that it is the truth. I never carried a Communist Party card. I never accepted discipline and indeed on several occasions I opposed their position.

In a special convention held in the summer of 1947 I led the fight for compliance with the Taft-Hartley Act by the FE-CIO International Union. This fight became so bitter that it ended any possibility of future cooperation.

Mr. Kunzig: What was the date you say you stopped cooperating with the Communist Party?

Mr. Watkins: I say prior to the convention, 1947. I do not have the date.

Mr. Kunzig: When would you say this cooperation with the Communist Party started?

Mr. Watkins: I could not give you a date.

Mr. Kunzig: Estimate a date, to the best of your ability.

Mr. Watkins: I said approximately 1942 to 1947.

Mr. Kunzig: Approximately from 1942 to 1947, to use your own words, you cooperated with the Communist Party; is that correct?

Mr. Watkins: Yes; that is in my statement.

Mr. Moulder: Mr. Chairman.

Mr. Velde: Mr. Moulder.

4269 Mr. Moulder: To what extent or in what manner did you cooperate, did you attend meetings of the leadership of the Communist Party or was your cooperation with some of the movements that they were undertaking in cooperation with labor at that time?

Mr. Watkins: Well, the cooperation as I referred to in my statement was had by contributions; I had been present at meetings, caucuses, I referred to; and that is what I mean by cooperation.

Mr. Moulder: Did you participate in any political meetings where only Communists were involved?

Mr. Watkins: Only Communists were involved? Not to my knowledge. I have attended, in my work in the labor union, thousands of meetings, sometimes as many as four a day, and to answer about any specific meeting it would necessarily have to be pinpointed to some recollection.

Mr. Moulder: Well, did you consider yourself as actually affiliating yourself with the Communist cause or the philosophy of the Communist Party movement during that period of time, or were you using the Communist Party in your work as a labor leader, that is the point I was trying to make clear a moment ago. I was trying to distinguish. We do distinguish between those activities..

Mr. Watkins: Well, I would say that on occasions there was no difference in opinion on a position, which I might have felt the Communists were also in support of that position, and I did not oppose it, but where I felt that their position differed with mine I did oppose.

Mr. Moulder: Well, when you did agree it was in connection with your interest in labor, or was it because of your support of the Communist Party? That is the point I am trying to make clear.

Mr. Watkins: It was because I felt it was in the interest of our membership and within the labor policies of the union and within the CIO.

Mr. Moulder: I see. That is all.

Mr. Velde: About how much did you contribute to the Communist Party?

Mr. Watkins: I could not give any specific figures. I do recall one particular instance where I signed a petition

at a convention in Springfield, I believe it was, and gave a contribution. I don't recall whether it was a dollar; \$2. I think the petition was a petition to free Earl Browder. I don't even know who was circulating it.

Mr. Velde: Proceed, Mr. Counsel.

Mr. Kunzig: Do you feel that Spencer and Rumsey—we will come to Rumsey in a minute, but you have already mentioned his name—had any legitimate reason for believing you to be a member of the Communist Party?

Mr. Watkins: None other than what I have stated in my statement.

Mr. Kunzig: Now, Mr. Rumsey testified before this committee on March 10, in public session, 1954, in Chicago, Ill., and he was asked:

Who recruited you into the Communist Party, Mr. Rumsey?

and his answer was:

John T. Watkins. He was then district president of the FE-CIO.

So I want to specifically ask you, did you recruit Mr. Rumsey into the Communist Party, Mr. Watkins?

Mr. Watkins: I did not.

4270 Mr. Kunzig: So you are specifically and unequivocally denying this statement made by Mr. Rumsey?

Mr. Watkins: I am.

Mr. Scherer: Pardon me just a minute.

Mr. Velde: All right. Proceed, Mr. Scherer.

Mr. Scherer: Can you give us any reason why Mr. Rumsey should have so testified before this committee under oath?

Mr. Watkins: I will give my personal reason, yes.

Mr. Scherer: We would like to know if there was any bias or prejudice.

Mr. Watkins: Mr. Rumsey—I was district president, as I have stated, of the FE-CIO District No. 2. That district was made up of a geographical area around the Quad Cities, including Canton, Dubuque and Rock Falls. Rumsey worked on my staff in the latter part of 1943 and the first part of 1944, at which time I released him from the staff and he went back into the shop to work.

Prior to the time I released him he had not been on very friendly terms with me, and after his release I had a lot of trouble with Rumsey.

Mr. Scherer: Then you say that in your opinion his testimony is based on personal ill-will toward you as a result of these controversies that you have just described?

Mr. Watkins: I think that was a great part of it, yes.

Mr. Scherer: Do you know of any other motive on the part of Rumsey that would have caused him to testify as he did?

Mr. Watkins: Well, I had also later removed him from the union, expelled him from the union through the procedures of the international constitution, as likewise I had Spencer.

Mr. Scherer: Did you know Rumsey was a member of the Communist Party?

Mr. Watkins: I knew he carried on pretty open activity in behalf of the Communist Party, and I have read his testimony where he testified he was a member of the party.

(At this point Mr. Watkins conferred with Mr. Rauh.)

Mr. Scherer: Before you read his testimony did you know that he was a member of the Communist Party?

Mr. Watkins: In 1949 he circulated an affidavit signed by himself and Spencer, something to the effect that he had been a member of the Communist Party, had left the party, and that he had been told by another party that I had been a member of the Communist Party under the name of Sam Brown. That affidavit signed by Rumsey and Spencer was distributed to the workers of John Deere Plow Works and to other workers in the Quad City area.

Mr. Spencer: Did you ever use the name of Brown?

Mr. Watkins: I never did; no, sir.

Mr. Scherer: Now, insofar as Spencer is concerned, what motive would he have in testifying the way he did, if you know?

Mr. Watkins: I wouldn't know, other than my own opinion would be his close association with Rumsey.

Mr. Scherer: Did he have any particular animosity toward you?

Mr. Watkins: Yes, I would say he did.

Mr. Scherer: What was the nature of that and the circumstances which gave rise to such animosity?

4271 Mr. Watkins: Well, he had been expelled from the union in the early part of—latter part of 1948 or the early part of 1949.

Mr. Scherer: Did you participate in that expulsion?

Mr. Watkins: Yes; I did.

Mr. Scherer: Why was he expelled from the union?

Mr. Watkins: He was leading a campaign for another labor organization.

Mr. Kunzig: What was the other labor organization?

Mr. Watkins: It was UAW-CIO.

Mr. Kunzig: This was before you went into the UAW, is that right?

Mr. Watkins: That is right.

Mr. Kunzig: I just wanted to get that clear.

Mr. Scherer: Did you know him to be a member of the party—Spencer?

Mr. Watkins: He testified he was. He signed the affidavit that I referred to saying he was, Spencer was.

Mr. Scherer: Did you of your own knowledge know he was prior to reading his affidavit or testimony?

Mr. Watkins: Not with any conclusive proof; no.

Mr. Scherer: Did you participate with him in any activity of the party?

Mr. Watkins: No.

Mr. Scherer: Did you participate with Rumsey in any activities of the party?

Mr. Watkins: No, sir.

Mr. Scherer: Your participation or association with the party as you have described it was entirely separate and apart from any activity on the part of Spencer and Rumsey in connection with the party?

Mr. Watkins: That is correct.

Mr. Velde: Let me ask you a question. You say here in your statement, and I think you read the statement into the record:

I cooperated with the Communist Party and participated in Communist Party activity to such a degree

that some persons may honestly believe I was a member of the party.

Now, with whom did you participate in the Communist Party in these activities if you didn't participate with Spencer and Rumsey?

Mr. Watkins: I have participated in meetings with Fred Fine, who was present; Gil Green was present—

Mr. Velde: As you go through these: Fred Fine, what was his capacity in the Communist Party?

Mr. Watkins: I do not know what his title was, but he was some representative of the party.

Mr. Velde: Well, how did you know him to be a member of the Communist Party?

Mr. Watkins: I met him at, as I recall, at the 1946 Milwaukee convention.

Mr. Velde: Of the Communist Party?

Mr. Watkins: No; of the FE-CIO Union.

Mr. Velde: Well, I am asking you how you knew he was a member of the Communist Party?

Mr. Watkins: Well, it was public knowledge that he was a member, and any time that the meeting that I referred to, in the caucuses, it was no secret that he was an official of some sort of the Communist Party.

Mr. Velde: All right. Will you proceed, then, with others that you have participated with in Communist Party activity?

Mr. Watkins: I have been in meetings where Bill Sentner has been present. I don't know of any meetings other than union meetings.

Mr. Moulder: Were they Communist Party meetings, that is what I want to know?

Mr. Watkins: No.

Mr. Kunzig: Excuse me. Is that Bill Sentner, S-e-n-t-n-e-r?

Mr. Watkins: I think so.

Mr. Moulder: Mr. Chairman.

Mr. Velde: All right. Mr. Moulder.

Mr. Moulder: When you refer to being in a meeting with these gentlemen that were known as Communists, were they Communist Party meetings?

Mr. Watkins: No, sir.

Mr. Velde: But you participated in Communist Party activity with them at these meetings, as I understand you to say in your statement here; is that right?

Mr. Watkins: Well, the Communist Party activities, according to the statement, is the activity the Communist Party was carrying on at such occasions, such as the convention which I have cited, and activities such as a petition they may have been circulating, or a contribution they may have been asking.

Mr. Velde: And that is contributions and petitions for the Communist Party cause, is that right?

Mr. Watkins: I assume they were; yes.

Mr. Scherer: Well, you mean these activities were in connection with the Communist Party's attempt to control the union activities?

Mr. Watkins: No; I couldn't say they were directed toward the union as such.

Mr. Scherer: Well, you know that that was the general program and policy of the party, to attempt to control the various unions, or some unions; you know that is true, don't you, witness?

Mr. Watkins: I think that is generally true; yes.

Mr. Scherer: These discussions that you had with these men you knew to be Communists at union meetings were in connection with their desire to control to some extent, at least, the union's policy and activities, were they not?

Mr. Watkins: I would say that is probably correct.

(At this point Mr. Watkins conferred with Mr. Rauh.)

Mr. Velde: Can we conveniently recess at this point, Mr. Counsel? We have a quorum call. I am sure the members want to get over there.

Mr. Kunzig: Yes; I think so.

Mr. Velde: The committee will be in recess for 20 minutes in order to enable the committee members to answer a quorum call.

(Whereupon, at 11:10 a.m., a recess was taken, the hearing to be reconvened at 11:30 a.m.)

(Thereupon, at 11:40 a.m., pursuant to the taking of the recess, the hearing was reconvened, the following committee members being present: Representatives Harold H. Velde, Gordon H. Scherer, and James B. Frazier, Jr. (appearance noted in transcript).)

Mr. Velde: The committee will be in order.

4273 Let the record show that I have appointed a new subcommittee consisting of Mr. Scherer, Mr. Moulder, and myself as chairman, and a quorum for this hearing is present, consisting of Mr. Scherer and the chairman.

Proceed, Mr. Counsel.

Mr. Kunzig: Mr. Chairman, may I state for the record that during the intermission Mr. Rauh, unfortunately, had to leave to catch a plane to another city to attend another case. He said his client would be represented, as was already stated in the record, by Mr. Pollitt. He was very sorry he had to leave.

Mr. Velde: All right. Proceed.

Mr. Kunzig: Now, I would like to ask you this, Mr. Watkins: Did you ever attend any Communist Party meetings?

Mr. Watkins: Not that I know as Communist Party meetings as such, no.

Mr. Kunzig: What do you mean by saying "Not that I know as Communist Party meetings as such"?

Mr. Watkins: Well, I will make one exception to that. I attended a meeting in Moline one time where the chairman of the party spoke. I believe it was Foster. It was a public meeting.

Mr. Kunzig: A public meeting?

Mr. Watkins: It was open to the public. Approximately 140 people were in attendance.

Mr. Kunzig: Was it an open Communist Party meeting?

Mr. Watkins: Well, it was advertised that Foster would speak.

Mr. Velde: Who did you say was the speaker, Foster?

Mr. Watkins: I don't know the first name, but it was Foster.

Mr. Velde: William Z. Foster. Was he at that time the head of the Communist Party of the United States?

Mr. Watkins: I don't recall. He was an official, I believe, of the party. The meeting was held at Swedish Olive Hall in Moline.

Mr. Kunzig: Did you ever attend any closed Communist Party meetings?

Mr. Watkins: No.

Mr. Kunzig: Did you ever attend any Communist Party meetings with Mr. Rumsey?

Mr. Watkins: No.

Mr. Kunzig: Did you ever attend any Communist Party meetings with Mr. Spencer?

Mr. Watkins: No.

Mr. Kunzig: Now, when Mr. Rumsey testified in Chicago, March 16, 1954, as follows:

Did you ever pay dues to Mr. Watkins?

The answer was "Yes."

Now, I ask you, Did Mr. Rumsey ever pay dues to you?

Mr. Watkins: He did not.

Mr. Kunzig: You unequivocally deny that he ever paid any dues to you?

Mr. Watkins: Communist Party dues, yes.

Mr. Kunzig: Did he ever pay any other type of dues to you?

Mr. Watkins: Not that I recall. He may possibly have paid union dues before the contract, but I don't recall it.

Mr. Scherer: Does the testimony taken in Chicago indicate that the witness specifically said they were Communist Party dues?

4274 Mr. Kunzig: Yes, Mr. Scherer.

I will read some more. The question was:

Now, how long did you belong to the Communist Party?

Mr. Rumsey: It would be in August 1944 when I left.

Mr. Kunzig: To whom did you pay dues in the party.

Mr. Rumsey?

Mr. Rumsey: Well, it would be the various organizers; that is, district organizers.

Mr. Kunzig: Did you ever pay dues to Mr. Watkins?

Mr. Rumsey: Yes.

Mr. Kunzig: Was this at the beginning?

Mr. Rumsey: At the start.

Mr. Kunzig: Do you recall how much dues you paid?

Mr. Rumsey: It was on the percentage. It was prorated percentagewise.

Now you are saying very definitely that no dues were paid to you by Mr. Rumsey?

Mr. Watkins: I said very definitely they were not.

Mr. Kunzig: Now, I asked this question of Mr. Rumsey:

Did you collect dues from people in the Communist Party?

and he went on and testified yes, that he collected dues, and so forth, and I said:

In the case of Watkins, did you collect dues from him under the name of Watkins or Sam Brown?

And he answered: "Sam Brown."

Now, my question to you is, Were dues ever collected from you by Mr. Rumsey?

Mr. Watkins: No, sir.

Mr. Velde: Now, specifically what kind of dues, Mr. Counsel?

Mr. Kunzig: Well, I will ask first about Communist Party dues.

Were Communist Party dues ever collected from you by Mr. Rumsey?

Mr. Watkins: No, sir.

Mr. Kunzig: Did you ever use the alias Sam Brown?

Mr. Watkins: Never.

Mr. Kunzig: Did you ever use any alias?

Mr. Watkins: No, sir.

Mr. Kunzig: You have been known always by the name John Watkins?

Mr. Watkins: John T. Watkins.

Mr. Kunzig: John T. Watkins?

Mr. Watkins: And John Watkins.

Mr. Kunzig: Now, I have here a list of names of people, all of whom were identified as Communist Party members by Mr. Rumsey during his recent testimony in Chicago. I

I am asking you first whether you know these people. My first question: Warner Betterson?

Mr. Watkins: No, I don't know him.

Mr. Kunzig: Joan Steel?

Mr. Watkins: Not to my knowledge.

Mr. Kunzig: Peter Gustafson?

Mr. Watkins: I know a Gustafson, but I don't know a Peter Gustafson.

Mr. Kunzig: Donald O. Spencer, I already asked you about. You know Donald O. Spencer?

Mr. Watkins: Yes, sir.

Mr. Kunzig: Harold Fisher?

Mr. Watkins: Yes, sir.

4275 Mr. Kunzig: You know Harold Fisher?

Mr. Watkins: I do.

Mr. Kunzig: Do you know Harold Fisher to be a member of the Communist Party?

Mr. Watkins: I will ask counsel.

Mr. Kunzig: Certainly.

(At this point Mr. Watkins conferred with Mr. Pollitt.)

Mr. Watkins: Mr. Chairman, in regard to that question, I would like to make a very brief statement I prepared in anticipation of this answer.

Mr. Velde: You may proceed.

Mr. Watkins: Thank you.

I would like to get one thing perfectly clear, Mr. Chairman. I am not going to plead the fifth amendment, but I refuse to answer certain questions that I believe are outside the proper scope of your committee's activities. I will answer any questions which this committee puts to me about myself. I will also answer questions about those persons whom I knew to be members of the Communist Party and whom I believe still are. I will not, however, answer any questions with respect to others with whom I associated in the past. I do not believe that any law in this country requires me to testify about persons who may in the past have been Communist Party members or otherwise engaged in Communist Party activity but who to my best knowledge and belief have long since removed themselves from the Communist movement.

I do not believe that such questions are relevant to the work of this committee nor do I believe that this committee has the right to undertake the public exposure of persons because of their past activities. I may be wrong, and the committee may have this power, but until and unless a court of law so holds and directs me to answer, I most firmly refuse to discuss the political activities of my past associates.

Mr. Kunzig: And I want to get this clear for the record. You are not in any way raising the fifth amendment?

Mr. Watkins: I am not.

Mr. Kunzig: But you are refusing to answer the question I have just asked you?

Mr. Watkins: Based upon the statement just read, yes.

Mr. Kunzig: And you, of course, have advice of counsel. He is sitting right next to you at this moment and you just conferred with him, is that correct?

Mr. Watkins: That is correct.

Mr. Scherer: Mr. Chairman, I ask that you direct the witness to answer.

Mr. Velde: Yes. This committee is set up by the House of Representatives to investigate subversion and subversive propaganda and to report to the House of Representatives for the purpose of remedial legislation.

The House of Representatives has by a very clear majority, a very large majority, directed us to engage in that type of work, and so we do, as a committee of the House of Representatives, have the authority, the jurisdiction, to ask you concerning your activities in the Communist Party, concerning your knowledge of any other persons who are members of the Communist Party or who have
4276 been members of the Communist Party, and so, Mr.

Watkins, you are directed to answer the question propounded to you by counsel.

Now, do you remember the question that was propounded to you?

Mr. Watkins: I remember the question, Mr. Chairman, and I have read my answer which, among other things, states that your committee may have this power, and I stand on my statement.

Mr. Velde: Proceed, Mr. Counsel.

Mr. Kunzig: Now, I am going down and ask you other names as I started to do a moment ago of people who were identified by Mr. Rumsey during his testimony in Chicago.

Do you know Charles—

Mr. Scherer: Wait a minute. Identified by Mr. Rumsey as members of the Communist Party?

Mr. Kunzig: That is correct, I stated as members of the Communist Party before. This, of course, was at the time Mr. Rumsey was a member of the Communist Party that he knew these people to be members with him.

Did you know Charles Hobbe?

Mr. Watkins: I do.

Mr. Kunzig: Did you know Charles Hobbe to be a member of the Communist Party?

Mr. Watkins: I stand on my statement.

Mr. Kunzig: In other words, you are refusing to answer that question?

Mr. Watkins: As set forth in the statement I just read.

Mr. Kunzig: I ask that the witness be directed to answer the question, Mr. Chairman.

Mr. Velde: Clearly you should in cooperation with the Congress of the United States answer that question; so you are directed to answer the question, Mr. Watkins.

Mr. Watkins: I am sorry, Mr. Chairman, but I stand on the statement which I entered into the record.

Mr. Kunzig: I want to make the record very clear, Mr. Chairman.

You are refusing to answer that question, is that correct?

Mr. Watkins: I believe I have answered the question—

Mr. Kunzig: No, the question is not answered at all, Mr. Chairman.

Mr. Watkins (continuing): With the statement, and I state that I stand on the statement that I have read.

Mr. Kunzig: His alleged answer makes it clear that his answer is a refusal, Mr. Chairman.

Do you know Henry Mack, M-a-c-k?

Mr. Watkins: I did know him, yes.

Mr. Kunzig: Did you know Henry Mack to be a member of the Communist Party?

Mr. Watkins: Again my answer, that I stand on the statement I read into the record.

Mr. Velde: Again, Mr. Watkins, you are directed to answer the question.

Mr. Watkins: Again, Mr. Chairman, I stand on the statement.

Mr. Kunzig: Did you know an Ernest DeMaio?

Mr. Watkins: I know Ernest DeMaio, yes.

Mr. Kunzig: Do you know Ernest DeMaio to be a member of the Communist Party?

4277 Mr. Watkins: I stand on the statement that I read.

Mr. Velde: Do you know him to have ever been a member of the Communist Party?

Mr. Watkins: I stand on the statement, Mr. Chairman, that I read.

Mr. Velde: Again you are directed to answer that question concerning Mr. Ernest DeMaio.

Mr. Watkins: Again, Mr. Chairman, I stand on the statement entered into the record.

Mr. Kunzig: I want to get this record clear, Mr. Chairman, because there were two questions there.

My question was: "Did you know Mr. Ernest DeMaio to be a member of the Communist Party?"

I wish him to be directed to answer that question.

Mr. Velde: All right. You are directed, then, Mr. Witness, to answer the question as to whether you know Mr. Ernest DeMaio to be a present member of the Communist Party of the United States.

(At this point Mr. Watkins conferred with Mr. Pollitt.)

Mr. Watkins: Mr. Chairman, again I stand on the statement which, among other things, states that I will also answer questions about those persons whom I knew to be members of the Communist Party and whom I believe still are.

(At this point Mr. Watkins conferred with Mr. Pollitt.)

Mr. Watkins: I will not, however, answer any question

with respect to others with whom I associated in the past. I stand on that statement, Mr. Chairman.

Mr. Kunzig: I am asking you the question whether you know Ernest DeMaio to be a member of the Communist Party, and you are refusing to answer, is that right?

Mr. Watkins: Based on the statement entered into the record.

Mr. Kunzig: Did you know Charles Killinger, K-i-l-l-i-n-g-e-r?

Mr. Watkins: I knew Charles Killinger.

Mr. Kunzig: Did you know Charles Killinger to be a member of the Communist Party?

Mr. Watkins: I again stand on the statement.

Mr. Kunzig: I respectfully request, Mr. Chairman, that the witness be directed to answer the question as to whether he knows Charles Killinger to be a member of the Communist Party.

Mr. Velde: Again you are directed to answer the question as to your knowledge of the Communist Party affiliation of Charles Killinger.

Mr. Watkins: Again, Mr. Chairman, I stand on the statement.

(At this point Mr. Watkins conferred with Mr. Pollitt.)

Mr. Kunzig: Mr. Watkins, I am going to read a list of names to you. I will read it slowly—

(Representative Frazier entered the hearing room at this point.)

Mr. Kunzig: And I am going to ask you—these are all names identified as members of the Communist Party by Mr. Rumsey in his testimony in Chicago. I am going to read the list and ask you whether you ever knew any of these people to be members of the Communist Party:

Lee Landbaker; Morris Childs; Dorothy Hillyerd; Theo Kruse; Charles Lawson; Olaf Lidel, L-i-d-e-l; Sarah Levine; Murray Levine; Harriet Leuth, L-e-u-t-h; Herbert Marsh; Ajay Martin; Harold Metcalf; John Milkevitch; Grant Oakes; Joe Ruick, R-u-i-c-k, or alias Joe Webber;
4278 Frank Rogers; Arthur Saunders; Seymour Siporin;

Joseph Stern; George Teeple, T-e-e-p-l-e; Ray Teeple; Donald Tieglan, T-i-e-g-l-a-n; Rex Wielock; John Wilson; Marie Wilson; Mrs. John Wilson.

Do you know any of those names I just read to you to have been members of the Communist Party?

(At this point Mr. Watkins conferred with Mr. Pollitt.)

Mr. Watkins: In regard to the name Stern that you mentioned, I believe as Joe——

Mr. Kunzig: Joseph Stern, yes.

Mr. Watkins: I have knowledge that he carried on Communist Party activities in the Quad City area. I have not known him for several years, or his whereabouts, but at the time he was in the Quad Cities he was carrying on Communist Party activities.

In regard to the other names that you have read, I will not answer, based upon the statement that I read into the record previously referred to.

Mr. Kunzig: Mr. Chairman, I respectfully request that the witness be directed to answer that question.

Mr. Velde: Now, the question was as to whether the witness has knowledge of any of the names that you read, whether those persons whose names you read had been members of the Communist Party?

Mr. Kunzig: That is correct.

Mr. Velde: Yes, you are directed to answer that question. Mr. Watkins.

Mr. Watkins: And, Mr. Chairman, I refuse to answer, based upon the statement previously read into the record.

Mr. Kunzig: Mr. Chairman, I have no further questions of this witness.

Mr. Velde: Mr. Scherer?

Mr. Scherer: No questions.

Mr. Velde: Mr. Frazier?

Mr. Frazier: No questions.

Mr. Velde: It seems very clear to me that the witness has pertinent information concerning Communist Party activities which we are authorized and dutybound to investigate, and that the witness should in the spirit of cooperation with his Government answer those questions.

However, upon his refusal to answer those questions, there is nothing we can do at the present time to force the witness to answer those questions.

So unless there is anything further, the witness is dismissed and the committee will stand in recess until 2 o'clock.

Govt. Exhibit No. 7

Filed July 18, 1955, Harry M. Hull, Clerk

CONGRESS OF THE UNITED STATES

House of Representatives

Committee on Un-American Activities

Washington

The Committee on Un-American Activities met in executive session January 22, 1953, in Room 226, Old House Office Building. The following members were present:

Harold H. Velde, Chairman

Bernard W. Kearney

Donald L. Jackson

Kit Clardy

Gordon H. Scherer

Francis E. Walter

Morgan M. Moulder

Clyde Doyle

James B. Frazier, Jr.

The following resolution was unanimously adopted:

BE IT RESOLVED, that the Chairman shall have authority from time to time to appoint subcommittees composed of one or more members of the Committee on Un-American Activities for the purpose of performing any and all acts which the Committee as a whole is authorized to do.

The Committee on Un-American Activities met in executive session March 3, 1954, in Room 225, Old House Office Building. The following members were present:

Harold H. Velde, Chairman
 Donald L. Jackson
 Gordon H. Scherer
 Francis E. Walter
 Clyde Doyle
 James B. Frazier, Jr.

The following resolution was unanimously adopted:

BE IT RESOLVED, that subcommittees of the Committee on Un-American Activities will consist of not less than three members, with at least a majority of the subcommittee present at the hearings for which they were appointed.

CONGRESS OF THE UNITED STATES

House of Representatives

Committee on Un-American Activities

Washington

Filed July 18, 1955, Harry M. Hull, Clerk

May 27, 1955

I, Thomas W. Beale, Sr., duly appointed, authorized and acting Chief Clerk of the Committee on Un-American Activities, do hereby certify that the above resolutions were adopted by the Committee on Un-American Activities at duly called and held executive sessions.

Given under my hand this Twenty-seventh day of May 1955.

Thomas W. Beale, Sr., Chief Clerk.

Defts. Exhibit No. 1

Filed July 18, 1955, Harry M. Hull, Clerk

Original

By authority of the House of Representatives of the Congress of the United States of America

To United States Marshal, Dubuque, Iowa

You are hereby commanded to summon John T. Watkins to be and appear before the Committee on Un-American Activities, or a duly authorized subcommittee thereof; of the House of Representatives of the United States, of which the Hon. Harold H. Velde is chairman, in their chamber in the city of Washington, Room 225-A, Old House Office Building, on Monday, April 26, 1954, at the hour of 10:30 a. m., then and there to testify touching matters of inquiry committed to said Committee; and he is not to depart without leave of said Committee.

Herein fail not, and make return of this summons.

Witness my hand and seal of the House of Representatives of the United States, at the city of Washington, this 6th day of April, 1954.

Harold H. Velde, Chairman.

Attest: Lyle O. Snader, Clerk.

Defts. Exhibit No. 2

Filed July 18, 1955, Harry M. Hull, Clerk

WESTERN UNION

SAO 23 WM 12

W. Buao 13 XV Govt. Pd-Bu Washington, D. C. 22 954 Ame:
John T. Watkins,

1224 44 Ave., Rock Island, Ill.

Under continuing authority of subpoena served upon you April 13, 1954, your appearance before Committee on Un-American Activities is hereby postponed from April 26 to Thursday, April 29, 1954, 10:30 A. M.

Harold H. Velde, Chairman.

Defts. Exhibit No. 4 (ident.)

OFFER OF PROOF

Filed July 18, 1955, Harry M. Hull, Clerk

The House Committee on Un-American Activities has conducted two series of hearings on communist activities in the Chicago area. The first was in the 82nd Congress, Second Session, and was entitled Communist Activities in the Chicago Area, Parts I and II (1952).

The second series was conducted in the 83rd Congress, Second Session and was entitled Investigation of Communist Activities in Chicago Area, Parts I, II and III (1954).

The earlier hearings will be referred to as Chicago Area Hearings (1952); the second series of hearings will be referred to as Chicago Area Hearings (1954).

MORRIS CHILDS

Role of Communist Press in the Communist Party, 82nd Cong. 2d sess.—January, 1952.

p. 2236

Budenz says Childs went with him to see Weiner (who controlled all party funds) to get funds for Midwest Daily Worker.

Communist Activities in the Chicago Area—Part I. 82nd Cong. 2 sess. Sept. 2 & 3, 1952.

p. 3745

Testimony of Donald O. Spencer. Discusses meeting at Sherman Hotel in Chicago, of labor people and Communists to discuss tactics in '44 and '45. Childs was there and didn't belong to any union that was there.

Testimony of Walter S. Steele Regarding Communist Activities in the U. S. Hearings, etc. 80th Cong. 1st sess. on H.R. 1884 and H.R. 2122.

p. 43

Lists Morris Childs as staff writer for Peoples Daily World.

p. 44

Lists Morris Childs as contributor to Political Affairs.

p. 34

These organs described as major Communist publications.

Investigation of Un-American Propaganda Activities in the United States (Hearings before a Special Committee on Un-American Activities) Volume 7. (1939)

p. 4281

Listed by Browder as member of the National Committee of the Communist Party, U. S. A.

p. 4835

Childs received money from William Weiner, in charge of Communist Party finances.

Volume 13 (1940)

p. 7725

Lightfoot states M. Childs was executive secretary in Chicago.

Hearings on Gerhart Eisler, 80th Cong. 1st sess. (1947).

p. 22

Childs identified by W. O. Nowell as having been at propaganda school in Russia.

Chicago Area Hearings—Part 2—1954.

p. 4248

Rumsey identifies him as "from the Central Communist Committee". Childs would tell them what they were to do and how they were to function.

p. 4259

Rumsey testifies Childs gave them the "line" on Yalta.

ERNEST DEMAIIO

Report on the Communist Peace Offensive, H. Rept. 378, 82nd Cong. 1st sess.

DeMaio sponsor of American Peace Crusade.

p. 53

Also supporter of American Peace Mobilization.

p. 116

Name on leaflet of American Continental Congress for Peace, as sponsor.

p. 126

List of sponsors of Stockholm Appeal.

p. 136

Reprints of documents of Peace Crusade.

p. 166

Members of World Peace Council, elected at World Peace Congress.

Chicago Area Hearings, (1952).

p. 3745

Spencer testimony—DeMaio at meeting.

Hearings Regarding Communist Infiltration of Labor Unions—Part I—Aug., 1949, 81st Cong. 1st sess.

p. 657

(This is part of an appendix which consists of J. B. Mathews testimony before a House Education and Labor Subcommittee, Sept. 29, 1948) lists "all" of DeMaio's "Communist affiliations."

Hearings Regarding Communist Activities in the Cincinnati, Ohio, area—Part I, 81st Cong., 2d sess.

p. 2746

Testimony of Victor Decavitch "Definitely in work of Communist Party."

p. 2749

At Communist Party meeting of UE people which discussed removal of Browder.

Hearings Regarding Communist Activities in the Chicago Area—Part I, 82nd Cong., 2d sess. (1952)

p. 3638

Testimony of Lee Lundgren. De Maio put Communist Party member on staff of U.E.

p. 3655

Testimony of Irving Crane. Meeting at De Maio's house with Communist Party leaders.

p. 3657

De Maio supports Communist slate.

p. 3667-3682

De Maio's testimony. Largely relies on the privilege. Questioning indicates Committee's full knowledge about De Maio.

Chicago area—Part 2 (1954)

p. 4248

Rumsey identifies him as Communist Party member.

Special Committee—Vol. 16.

p. 10229

Robert Stripling gives full "Communist" record of De Maio; lists fronts.

p. 10236, 10237, 10240

Harry Morgan testifies as to difficulties with De Maio. De Maio ordered leaflets for Abraham Lincoln school distribution by union men.

Hearings Regarding Communism in Labor Unions in the United States, 80th Cong. 1 Sess. (1947)

p. 127

J. Julianelle, business agent for UE LOCAL, states De Maio is a Communist.

p. 196

Conroy says E. De Maio is not Communist to his knowledge.

Report on the March of Labor, December 22, 1954.

p. 15

Ernest DeMaio listed on table showing individuals identified as Communist Party members before the Committee on Un-American Activities who contributed articles to the "March of Labor".

HAROLD FISHER

Chicago Area, Part I (1952).

p. 3743

Spencer testimony—Fisher attended closed meetings of the Communist Party.

Chicago area—Part 2 (1954).

p. 4246

Rumsey identifies Fisher as union organizer for whom he collected dues.

p. 4248

Repeats testimony.

DOROTHY HILLYERD

Chicago Area (1952) Part I

p. 3742

Spencer just identifies her a member of the Communist Party.

Chicago area—Part 2 (1954)

p. 4248

Rumsey identifies her as "just an employee card carrier".

CHARLES W. HOBBS (correct name is Charles Hobbie)

Report on the Communist Peace Offensive, H. Rept. 378, 82nd Cong., 1 sess.

p. 127

Charles W. Hobbie, Cedar Rapids, Iowa listed as sponsor of Stockholm appeal.

Chicago area—Part 2 (1954)

p. 4246

Rumsey says he collected dues from Hobbes.

CHARLES KILLINGER

Chicago Area (1952) Part 1

p. 3709-3710

Identified by A. Kratz as field representative of FE, who recruited him into the Party, met him at Communist Party meetings.

Chicago area—Part 2 (1954)

p. 4248

Rumsey identifies him as Communist Party member.

THEO KRUSE

Chicago area (1952) Part 1

p. 3740

Identified by Spencer as a member of "city branch" of Communist Party in Rock Island.

Chicago area—Part 2 (1954)

p. 4249

Rumsey identifies her as beauty parlor operator, a Communist Party member.

LEE LANDBAKER (as named in indictment)

LELAND BAKER

Chicago area hearings (part 2) (1954)—

p. 4247

Rumsey says following list of people are "known, paid, and so forth, card-carrying Communists".

p. 4248

He names "Leland Baker, Peoria Caterpillar plant."

CHARLES LAWSON

Chicago Area—Part 1—(1952)

p. 3680

De Maio refuses to answer whether Lawson is in May Day photograph—photograph reproduced in hearings (page 3681)

p. 3714

Kratz says Lawson attended "fraction meetings" from another local of FE with him.

p. 3736

Lawson and Cooke (J. E. Cooke testifying) called to headquarters to discuss differences in party policy.

Chicago area—Part 2—1954

p. 4249

Rumsey identifies him as district Vice President of UFW, and a "card-carrying Communist".

HARRIET LEUTH

Chicago area. (1952) Part 1

p. 3739

Spencer testifies Leuth was recording secretary of local 150-FE.

Chicago area—Part 2 (1954)

p. 4249

Rumsey lists her. "Just a factory worker, no official position".

MURRAY LEVINE

Chicago area (Part I—1952)

p. 3741

Attended all closed meetings of the Party.

Chicago area—Part 2

p. 4249

Rumsey identifies him as CP member—"just citizen".

SARAH LEVINE

Chicago area (1952) Part 1

p. 3742

Spencer identifies Sarah Levine, wife of Murray Levine, as member of the party.

Chicago area—Part 2 (1954)

p. 4249

Rumsey identifies her (and her husband) as CP members—"just citizens".

OLAF LIDEL

Chicago Area (Part 2) (1954)

p. 4249

A watchmaker in Rock Island, a Communist Party member. Identified by Rumsey.

Chicago Area (Vol. 1) (1952)

p. 3740

Spencer identifies an Olaf Ledel as a member of the Communist Party in this area.

HENRY MACK

Chicago Area Hearings—Part 2 (1954).

p. 4247

Rumsey collected dues from Henry Mack. He was an organizer from the Abraham Lincoln Brigade.

p. 4249

Rumsey identifies him as "the one from the Abraham Lincoln Brigade . . . he was an organizer for the Rock Island District . . ."

HERBERT MARSH

(probably referring to Herb March)

Communist Activities in the Chicago Area (1952)—Part 2.

p. 3759

Ray Thompson of United Packinghouse Workers, testifying. He is former member of Communist Party 1944-1948. Attended closed Communist meeting at home of Herbert March, to decide who should be president of local union.

p. 3767

Some of "party instruction" was given by March.

pp. 3814, 3831

March testifies. March has been organizer, in different unions, since 1937. Declines on fifth amendment grounds to answer series of questions from committee regarding arrest and fingerprinting in Detroit. Declines to answer questions about aliases, about statements from himself as YCL and CP member quoted in the Daily Worker and about many organizations. (Questions indicate committee has thorough file on him).

p. 3829

Committee also has letter signed by March as CP member.

p. 3831

Fingerprint technician from Chicago testified that March's fingerprint is identical with that of Harry Martin, arrested in Detroit.

Chicago Area—Part 2 (1954).

p. 4249

Rumsey lists him as District President of the Packinghouse Workers and a member of the Communist Party.

Report on the March of Labor, December 22, 1954.

p. 16

Herb March listed on table showing individuals identified as Communist Party members who contributed articles to the "March of Labor".

A. J. MARTIN

Chicago hearings—Part I (1952).

p. 3732

John Edward Cooke testifying: A. J. Martin elected after a meeting of negro delegates in FE to determine who should run for Executive Board.

p. 3733

Board member elected 1946 convention—doesn't know if Communist Party member.

Chicago hearings—Part 2 (1954).

pp. 4249, 4250

Rumsey lists Martin from the Peoria Caterpillar Works, Vice-President of the UE, as a Communist.

JOHN MILKOVITCH

Chicago area. (1952) Part 1.

p. 3742

Spencer identifies as member of Communist Party.

Chicago Area—Part 2 (1954).

p. 4250

Rumsey identifies Melkovitch as a Communist. He was a committee member of the union, local 104, East Moline, International Harvester plant.

HAROLD METCALF

Chicago Area—Part 2 (1954).

p. 4250

Rumsey identifies Metcalf as a Communist. Metcalf was a retired machine worker from Davenport, Iowa.

GRANT OAKES

Chicago area—Part 1 (1952).

p. 3719

Declines to answer whether he is or was Communist Party member.

p. 3745

Spencer testifies Oakes was present at Communist Party labor meetings in Sherman Hotel.

Chicago area—Part 2 (1954).

p. 4250

Rumsey identifies him as a Communist. Oakes was president of the FE (International Farm Equipment & Metal Workers).

Expose of the Communist Party of Western Pennsylvania—Part 2, 81st Cong., 2d Session.

p. 2452

Listed in newspaper as protesting indictment of the 12 communists.

Report on Civil Rights Congress as a Communist Front organization, H. Rept. No. 1115, 80th Cong. 1st Sess.

pp. 12-13

Oakes listed as Civil Rights sponsor who also belonged to American Peace Mobilization, the National Federation for Constitutional Liberties and also supported release of Earl Browder.

p. 16

Description of all Oakes' affiliations; he is listed as key individual in Civil Rights Congress.

p. 33

Oakes signed 1946 attack by labor leaders on House UnAmerican Activities Committee.

Report on the CIO Political Action Committee, 78th Cong. 2nd Sess. March 29, 1944.

p. 34

Spoke at CIO PAC meeting.

pp. 44-45

Summary of all Oakes' activities considered Communist inspired.

p. 58

Joined in Citizens' committee to free Earl Browder.

p. 64

Supported Daily Worker.

p. 72

Sponsor of Schappes defense committee.

FRANK ROGERS

Dies Committee Hearings—Vol. 3.

p. 2090

Identified as prominent Communist in Cleveland, Ohio by E. Herzog.

Dies Committee Hearings—Vol. 13.

p. 7772

Signed letter (in possession of Committee) from Abraham Lincoln Battalion to IWO as Party Secretary.

Chicago area—Part 1.—1952.

p. 3650

Lundgren testifies that Frank Rogers was at one time on UE staff of Local 1114.

Chicago area—Part 2—1954.

p. 4250

Rumsey identifies Rogers as a Communist. Organizer for

FE. Worked out of lake-district. One time he was at Peoria.

JOE RUICK (ALIAS JOE WEBBER)

Chicago Area—Part 2 (1954).

p. 4250

Rumsey identifies him as Communist. Thinks Ruick was the real name. Webber hooked on later. He was district organizer out of the national office.

ARTHUR W. SANDERS

Chicago Area—Part 2—1954

p. 4250

Rumsey identifies him as Communist. He was an organizer for the Steelworkers. He was a Communist in the confines of communism, attending meetings, so forth.

SEYMOUR SIPORIN

Report No. 1311—1944, 78th Cong. 2d sess. Report on CIO Political Action Committee.

p. 178

Complete description of Siporin. Legislative director of FE, active on CIO Action Committee; arrested in Chicago, as Communist, Chairman of May Day Committee.

p. 65

Supported Daily Worker.

Chicago area—Part 2 (1954).

p. 4251

Rumsey identifies him as Communist. District organizer for the F. E.

DONALD O. SPENCER

Testimony in Chicago Area hearings (1952).

p. 3737, 3752

States he was member of Communist Party, recruited by

W. Rumsey "with the endorsement and full knowledge of John Watkins".

p. 3738

Describes Communist Party set-up in FE, and especially Local 150 and identifies numerous people.

Chicago Area—Part 2 (1954).

p. 4251

Rumsey identifies him as Communist. Says he has no official position with any union "as of this time"—March, 1954.

p. 4253

Spencer testified before Committee two years ago.

JOSEPH STERN

Chicago area (Part I)—1952.

p. 3740

Spencer identified J. Stern as one of the top committee of Quad City area in Communist Party.

p. 3747-3748

Joe Stern too militant—caused embarrassment and disruption in Farmall local. Spencer called to testify against him at meeting of Kate Hall, John Watkins and Jerry Fielde.

Chicago Area (Part 2)—1954.

p. 4251

Rumsey identifies Stern as a Communist member. He was on a committee in the East "someplace", the Central Committee, Quad-Cities Industrial Committee.

GEORGE TEEPLE

Chicago Area—Part 2 (1954).

p. 4251

Rumsey identifies him as Communist. A foundry worker in Moline. Within the Communist Party.

RAY TEEPLE

Chicago area—Part I (1952).

p. 3740

Spencer identifies as one of top committee of Communist Party in Quad City area.

Chicago area—Part 2 (1954).

p. 4251

Rumsey identifies him as Communist; brother of George Teeple. Chairman of the Bettendorf in Quad City area.

DONALD TIEGLAN

Chicago area—Part 1—1952.

p. 3742

Spencer says he was member of Communist Party, worked in Harvester plant, elected to state legislature.

Chicago area—Part 2—1954.

p. 4251

Rumsey identifies him Communist. From Local 104, International Harvester local. Sec'y Treasurer of Local at one time. Served in House of Representatives of Illinois at one time.

JOE RUICK (ALIAS JOE WEBBER)

Chicago Area—Part 2 (1954).

p. 4250

Rumsey identifies him as Communist. Thinks Ruick was the real name—Webber hooked on later. He was district organizer out of the national office.

REX WIELOCK

Chicago Area—Part 2 (1954).

p. 4252

Rumsey identifies him as Communist, Wielock was UE organizer.

Chicago Area—Part 1 (1952).

p. 3742

Spencer identifies a Rex Wheelock as a member of the Communist Party.

JOHN WILSON

Chicago Area—Part I (1952).

p. 3741

Spencer says Member of Davenport Branch of the Communist Party. Mr. Wilson secretary-treasurer of Quad City Area.

Chicago Area—Part II (1954).

p. 4252

Rumsey identifies him as Communist. Says he had "no official position, only Communist."

MRS. JOHN WILSON. (MABEL or MARIE)

p. 4252

Rumsey identifies her as Communist (1954) says she "had no official position, only Communist."

DEFTS. EXHIBIT No. 5

Filed July 18, 1955, Harry M. Hull, Clerk.

United States District Court for the District of Columbia
Holding a Criminal Term

Criminal No. 1153-54

United States of America

v.

John T. Watkins

STIPULATION

It is hereby stipulated by and between the parties as follows:

1. The documents listed in Schedule A, attached hereto and made a part hereof, each of which has been initialed by counsel for both parties in triplicate, are official publications of the Committee on Un-American Activities of the House of Representatives, are true and accurate transcriptions of hearings and reports of that Committee and may be introduced in whole or in part into evidence at the trial of this case subject to objection by either party as to materiality, relevancy and competency.

2. The documents which are described in Schedule B, attached hereto and made a part hereof, are official publications of the said Committee on Un-American Activities and are true and accurate transcriptions of hearings and reports of that Committee, and the excerpts therefrom which are set forth in said Schedule B are true and accurate excerpts from said documents and the documents and/or excerpts may be introduced in whole or in part into evidence at the trial of this case, subject to objection by either party as to materiality, relevancy and competency.

3. As to the excerpts of statements on the floor of the House of Representatives copied from the Congressional Record and set forth in Schedule C, attached hereto and made a part hereof, the designated Representative in each instance made the statement attributed to him on the floor of the House of Representatives at the time specified and the said excerpts may be introduced in whole or in part into evidence at the trial of this case subject to objection by either party as to materiality, relevancy and competency.

4. The excerpts from the newspapers contained in Schedule D, attached hereto and made a part hereof, are true and correct quotations, digests or reports as the case may be of the statements and events reported therein and may be admitted as evidence at the trial of this case, subject to

objection by either party as to materiality, relevancy and competency.

WILLIAM HITZ,
Attorney for the United States.
 SIDNEY S. SACHS,
Attorney for the Defendant.

DEFTS. EXHIBIT No. 6 (ident.)

Filed July 18, 1955, Harry M. Hull, Clerk.

Schedule A

1. Committee on Un-American Activities, Annual Report for the Year 1954, 84th Congress, 1st Session, House Report No. 57.

2. Committee on Un-American Activities, Annual Report for the Year 1953, 83rd Congress, 2d Session, House Report No. 1192.

3. Committee on Un-American Activities, Annual Report for the Year 1952, 82nd Congress, 2d Session, House Report No. 2516.

4. Committee on Un-American Activities, Annual Report for the Year 1951, 82nd Congress, 2d Session, House Report No. 2431.

5. Committee on Un-American Activities, Annual Report for the Year 1950, 81st Congress, 2d Session, House Report No. 3249.

6. Committee on Un-American Activities, Annual Report for the Year 1949, U. S. House of Representatives, March 15, 1950.

7. Pamphlet, "This is YOUR House Committee on Un-American Activities," September 19, 1954.

8. 100 Things You Should Know About COMMUNISM, Committee on Un-American Activities, 82nd Congress, 1st Session, House Document No. 136.

9. Organized Communism in the United States, Committee on Un-American Activities, 83rd Congress, 2nd Session, House Report No. 1694.

10. Report on March of Labor, Committee on Un-American Activities, 83rd Congress, 2d Session, December 22, 1954.

11. Hearings Before the Committee on Un-American Activities, House of Representatives, 83rd Congress, 2d Session, Investigation of Communist Activities in the Chicago Area—Parts 1, 2, 3.

12. Hearings Before the Committee on Un-American Activities, House of Representatives, 83rd Congress, 1st Session, Communist Methods of Infiltration (Education—Parts 3, 4).

13. Hearings Before the Committee on Un-American Activities, House of Representatives, 82nd Congress, 2d Session, Communist Activities in the Chicago Area—Part 2.

DEFTS. EXHIBIT No. 6A (ident.)

Filed July 18, 1955, Harry M. Hull, Clerk

COMMITTEE ON UN-AMERICAN ACTIVITIES

Annual Report for the Year 1954

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3 In addition to the hearings and reports of the committee during 1954, there has been continued the singularly valuable service provided to Members of Congress, congressional committees, and duly authorized agencies of the Federal Government by the committee's files and reference service. With the ever-increased interest aroused by the expanded knowledge of subversive activities, there has been a proportionate increase in requests for information from the committee.

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7 The committee became interested in the Riley case in December 1953. On January 27, 1954, Riley's employment with the Federal Government was terminated, effective February 1, 1954. On March 15, 1954, Riley appeared before the committee in Chicago, Ill., at which time he again denied Communist Party membership and the other allegations. The committee was able to obtain another witness for the Chicago hearing who admitted having been

a member of the Communist Party in Spokane and having also been in the same Communist Party group with Riley. The fact that Riley was an active member of the Communist Party in Spokane was later substantiated by the testimony of Barbara Hartle, a long-time Communist Party functionary in the Northwest area. Mrs. Hartle appeared before the committee in June 1954 in Seattle and furnished information regarding Riley, plus invaluable information concerning Communist Party activities in general in the Northwest area.

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14 These hearings could be properly considered as a continuation of the hearings which the Committee on Un-American Activities held in Detroit, Mich., in 1952. As a matter of fact, in 1952 the committee reported that

15 during its investigation the identity of over 600 individuals as Communist Party members was obtained.

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17 During the committee's investigation, it uncovered members of the Communist Party holding influential positions in the school systems of Detroit and other communities. Most of the teachers subpoenaed before the committee refused to answer questions with respect to their membership in the Communist Party, on the ground that to do so would tend to incriminate them. Most of the teachers called have been suspended or permanently removed from their positions. The Committee on Un-American Activities approves of this action because the committee has found that the delivery of a student into the tutelage of a member of the Communist Party has been responsible for the destruction of thousands of American homes.

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18 The committee was fortunate in receiving testimony from a witness whose knowledge of Communist

Party activities was current almost to the date of the hearings. The committee received lengthy testimony from Mrs. Barbara Hartle, who had been a member and official of the Communist Party in the Pacific Northwest area from 1933 until early 1954 and gained a position of such importance in the Communist Party that the Government of the United States arrested her on September 17, 1952, on the charge that she had violated the provisions of the Smith Act.

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The House Committee on Un-American Activities held hearings in Portland, Oreg., June 18 and 19, 1954. The hearings and investigation centered largely around communistic infiltration of education, professional groups, and labor. The committee received valuable testimony from Homer LeRoy Owen, Barbara Hartle, and Robert Wishart Canon, all of whom testified about Communist activities and infiltration not only in Portland, Oreg., but throughout the Northwest and other parts of the United States.

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DEFTS. EXHIBIT No. 6(B) (ident.)

Filed July 18, 1955. Harry M. Hull, Clerk

ANNUAL REPORT OF THE COMMITTEE ON UN-AMERICAN ACTIVITIES

For the Year 1953

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1 In this connection, it should be pointed out that there was no instance in which the committee endeavored in any way to ascertain the curricula of any school or to in any manner examine classroom procedures or the teaching methods of an educator. The focal point of the investigation into the general area of education was to the individual who had been identified as a past or present member of the Communist Party.

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3 The House committee on Un-American Activities

has remained vigilant to determine whether there are any individuals now employed by the United States Government who are present or past members of subversive organizations. In the hearings conducted by the subcommittee in Albany, N. Y., testimony was received from two former members of the Communist Party that the Commissioner of the Federal Mediation and Conciliation Service in Cincinnati, Ohio, had been known to them as a member of the Communist Party. In the investigation of this matter it was determined that this Federal employee, James F. McNamara, had, on the basis of previous investigation by the Federal Bureau of Investigation, been given three loyalty hearings to determine his suitability to continue in Government service. On all three occasions McNamara had

4 denied that he had ever been a member of the Communist Party and, in the face of FBI information to the contrary, he was cleared. Shortly after he had been served with a subpoena to appear before the committee, McNamara submitted his resignation to the Federal Mediation and Conciliation Service. When he did appear, McNamara admitted that he had been a member of the Communist Party and had broken with it some years ago. The committee believes it to be a fact that James F. McNamara did break with the Communist Party as he stated under oath. However, his case serves as an example of the continuing necessity for the work being performed by the House Committee on Un-American Activities. The Federal Bureau of Investigation had conducted a thorough inquiry and had in due course reported the results of its investigation to the proper authorities. However, in the face of F. B. I. reports, no further steps were taken by the agency concerned, and it was not until investigation by this committee that the true facts were determined and McNamara's employment terminated.

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6 This committee is established by the Congress of the United States and has been cloaked by that body with wide power under Public Law 601. It is one of the

weapons in the hands of the American people. Who dulls the edge of that weapon brings joy to the hearts of those whose dedicated task it is to destroy the Constitution of the United States and place human freedom behind barbed wire.

57 . INVESTIGATION OF COMMUNIST ACTIVITIES IN THE NEW YORK CITY AREA

. One of the most valuable witnesses was Mrs. Dorothy K. Funn, who is presently a teacher in the New York City public school system. Mrs. Funn has been engaged in the teaching profession since 1923, except for a period of about 4 years from 1943 until 1947. Mrs. Funn stated that she had joined the Communist Party in May 1939 and had remained a member until about June 1946.

60 It would be a great step in the progress of the committee's work if all persons, who find themselves in circumstances similar to those of Artie Shaw, would realize that all they need do is communicate with the committee, the chairman, or its members in order to clarify or elaborate on any information the committee possesses relative to themselves.

99 As in every instance of this kind, where a person feels that there is erroneous information, or information that might require clarification, the committee is pleased to take every reasonable step to insure that the information is corrected or clarified.

100 At this point, the appreciation of the committee is extended to both Dr. Bella V. Dodd and to Dorothy K. Funn for their further testimony, given in the hearings held in Philadelphia.

It will be noted in other sections of this report that the committee has made every effort to alert individuals and organizations who feel that their names are unjustly reflected in the committee's records or testimony to communicate with the committee to rectify or clarify their position.

A very tangible example of the success that the committee has gained in these efforts relates to Consumers' Union, which is the publisher of Consumer Reports. This organization, on the basis of information in the committee records, had been cited by the Special Committee on Un-American Activities in 1944. Steps were initiated by Consumers' Union through its officers and legal counsel to clarify this situation. After hearings and thorough study the committee finds there is no present justification for continuing this organization as one that is cited, and future reports and publications will reflect that this organization has been deleted from the list of subversive organizations and publications.

It cannot be pointed out too frequently that the fact that an organization has been cited as subversive or as a Communist front does not mean that such citation is irrevocable. Steps such as those taken by Consumers' Union, can lead to a proper clarification by the committee.

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For a number of years this committee has maintained a specialized reference service in the field of subversive activities insofar as furnishing any information that may appear on a given subject in the committee's own public records, files, and publications. This service is available at present only to Members of Congress, the representatives of the executive branch of the Government, and, of course, to all staff members of this committee, varying somewhat according to type and amount of material found and the needs of the person seeking the information.

Due to the confusion that has arisen as to the nature of the committee's files, it should be stated that the material

from which reports are prepared for Members of Congress and other authorized committees and agencies is compiled from public sources such as newspapers, magazines, authenticated letterheads, and other documents available from public sources, and could be compiled by personal research on the part of any individual. These files are distinguished from the investigative files, which material is not available to anyone except the committee investigators themselves.

It should be noted that no information which is voluntarily given by individuals or groups is incorporated into these files unless the source and nature of the material has been adequately checked to insure its accuracy and validity.

Each report that is furnished from the committee's files contains the following disclaimer:

The public records, files, and publications of this committee contain the following information concerning (organization/individual). This report should not be construed as representing the results of an investigation by, or findings of, this committee. It should be noted that the individuals and/or organization referred to above are not necessarily Communist, Communist sympathizers, or fellow travelers, unless otherwise indicated.

The Members of Congress make constant use of this service with queries ranging all the way from a request for the prompt verification of a single point or a brief summary of available material to the submission of a list of both individual and organization names for a complete check and full report on each item. In every case, a complete check of the pertinent indexes and source material must be made before an answer is supplied, but the answer may be given in either verbal or written form, verbal answers being employed only when so requested and the material may be summarized briefly and easily or when a check has shown that we have no information to report on the subject. The more usual type of request, however, is for a complete written report setting forth not only what has been found but also where each reference appears.

Much the same conditions prevail in regard to supplying information to the committee's staff members, who, al-

though they often wish to examine or borrow the source material itself, also need that information assembled for them into readily accessible written form to use in connection with the extensive investigations being conducted under direction of the committee.

On the other hand, the executive departments and agencies, which are required by Executive order to make a check of the committee's files, send their own representatives to make the check of the indexes to the material contained in the files and publications. The staff of this section is required to furnish these agents only such reference service as is involved in the pointing out of reference sources, explanation of how the material indexed is recorded on the index cards, and the withdrawal of exhibit material from files for their examination when specifically authorized to do so.

Neither the extent of subject matter contained in the reference questions nor the time and work involved in furnishing the answers can be reduced to figures. The following statistics, however, do indicate something of the steady overall growth in demand for the service.

A count has shown that a total of about 3,800 requests for information on 10,695 individuals and 2,459 organizations were received and answered by this section during the past year. This resulted in the furnishing of written reports covering 7,687 individuals and 882 organizations, and, as compared to the 1952 count, represents an increase of 200 in the total number of requests received, with 1,195 more individual and 459 more organization names included in the requests. A further comparison of figures for the 2 years has shown 2,338 requests received from and 1,285 written reports supplied to the Members of Congress as against 2,400 requests received and 1,440 written replies to them in 1952, a small decrease which may have been caused by a change in the office procedure of handling requests.

The total number of visits made to the files by the designated representatives of the executive departments and agencies has shown a decline from 6,260 in 1952 to 4,880 in 1953. This does not indicate any lessening of interest in or use of the committee's reference material as it may seem to.

appear on the surface, for the average length of each visit has increased appreciably with more persons than ever before assigned full time to the checking of our records.

Equally important, though not always remembered, is the fact that such reference service, to be reliable, requires the proper care and handling of old material as well as the constant acquisition and proper classification, cross referencing and indexing of new material. The age and volume of the committee's valuable collection of pamphlets, periodicals, books, newspapers, leaflets, letterheads, and other source material both primary and secondary has presented problems of housing, handling, and processing which continue to increase in difficulty in direct proportion to those factors. Pressure of work has not afforded time for keeping an accurate running count of the amount of file material acquired, the number of index cards added, or the number of pieces classified and processed for files. However, it seems fair to estimate that the acquisition, classification, and indexing of the Communist press source material has kept apace of other years and that approximately 4,000 pages of the printed hearings and reports of this committee, already indexed, have been added as compared to the 2,827 pages of publications received and indexed by this section in 1952.

DEFTS. EXHIBIT No. 6(C) (ident.)

Filed July 18, 1955, Harry M. Hull, Clerk

ANNUAL REPORT OF THE COMMITTEE ON UN-AMERICAN ACTIVITIES

For the Year 1952

6 In this annual report, the committee feels that the Congress and the American people will have a much clearer and fuller picture of the success and scope of communism in the United States by having set forth the names and, where possible, the positions occupied by individuals who have been identified as Communists, or former Communists, during the past year. In the matter of hearings relating to the motion-picture industry and professional groups, the committee is including those

individuals who were named during 1951, inasmuch as these hearings have been of a continuing nature.

8 The Government can render valuable assistance to Harvester and all other workers represented by Communist-dominated unions and can assist UAW and other non-Communist internationals in cleaning out their locals which are heavily infiltrated or controlled by members of the Communist Party.

12 The hearings show that great strides have been made in removing them from the other auto locals. In congratulating the workers in these locals for ridding themselves of Communist leadership, the committee wishes to point out that evidence uncovered during the investigation discloses that Communists formerly employed in white-collar positions are taking up trade work and, as unknowns in the community, are obtaining employment in the auto industry. Some of these are already working within various locals.

40 COMMUNIST INFILTRATION OF HOLLYWOOD MOTION-PICTURE INDUSTRY

The committee originally instituted an investigation to ascertain the scope and success of Communist efforts to infiltrate the motion-picture industry in 1945. As the result of this early investigation, hearings were held in 1947, at which time the committee subpoenaed 10 persons associated with the industry who had been identified as members of the Communist Party. At that time these 10 persons refused to answer all questions concerning their Communist associations, as a result of which they were cited for contempt of Congress and all received and served jail sentences.

The committee wishes to urge that all fields of entertainment and culture maintain a steadfast vigilance in order to avoid the possibility of further Communist infiltration into them.

57 The following individuals, who have been identified as members of the Communist Party, are being listed as having been associated with the various professional groups in the Los Angeles area. It is recognized that in many instances the identifying information does not classify the individual as being engaged in a profession but since the testimony was received from individuals whose principal information deals with professional groups they are being included herein. It should also be noted that with these identifications it does not necessarily indicate the present position or occupation of the individuals but indicates the identification furnished by the witness.

DR. EDWARD U. CONDON

Dr. Edward U. Condon was appointed director of the National Bureau of Standards in November 1945. This appointment was made even though it was known at that time by the executive branch of Government that Dr. Condon had not been permitted to visit Soviet Russia and that a passport issued by the State Department had been revoked upon the request of intelligence authorities.

Dr. Condon had, early in the development of nuclear fission, been offered a position on the atomic bomb project at Los Alamos, N. Mex. After a short while, Dr. Condon rejected that appointment voicing his disdain for the security regulations which were necessary at Los Alamos.

During the course of its investigations to ascertain the extent and success of Soviet espionage activities relating to the atom bomb, the committee was amazed at the numerous instances in which it was disclosed that Dr. Condon was acquainted with known and suspected espionage agents.

The committee did not, nor does it now, possess information that Dr. Condon was a Communist or committed any act of espionage. However, because of his asso-

74 ciates and disdain for security regulations the committee recognized his vulnerability in any post of security. For this reason the committee issued a report in 1948 setting forth the information it possessed concerning Dr. Condon's associations. It was hoped that Dr. Condon would voluntarily resign but if he did not it should serve as a warning to Dr. Condon as well as security officers that his associations disqualified him from access to classified material.

Dr. Condon's appearance, however, served to confirm the committee's belief that because of his propensity for associating with persons disloyal or of questionable loyalty and his contempt for necessary security regulations, that he is not qualified for acceptability to any security position.

* * * * *

77 The reference service furnished during the year has shown a steady increase, reflecting a greater growth in the amount of information requested and furnished than in the actual number of separate requests made. Records show that well over 3,600 inquiries involving about 9,500 individuals and approximately 2,000 organizations were answered in 1952, an increase of about 300 in number of requests, 1,800 in number of individual names involved, with the number of organizations concerned remaining the same. The figures cannot show, however, that answers in most instances were naturally longer because more information had been accumulated and made available for use during the year, nor can numbers reveal the type and quality of the reference service.

Since the files of the committee are not open for personal consultation by anyone other than the committee's own employees and the designated representatives of the executive branch of the Government, a very specialized reference service is furnished the Members of Congress. Written requests are preferred in the interest of accuracy, but telephone inquiries from Members' offices are also accepted daily. These inquiries are handled by trained staff members who consult all indexes and files for all available information on the subject or subjects under consideration. They then review, compile, and report the pertinent information as it appears in the committee's own public hearings and reports and public documents contained in the committee's files. A total of 1,440 written reports were sent to Members of Congress in 1952, and a conservative estimate of the number of pages of such written memoranda would run over 10,000. This does not include written replies in cases where no information was found on the subject of the request.

* * * * *

A certain amount of reference service has also been furnished this year in answering some requests made by pri-

vate individuals who showed a sincere and genuine need for information of the type which is available here. Answers to such inquiries were necessarily greatly restricted both as to number and as to length of answer because our staff is not large enough to supply any considerable service of this kind.

DEFTS. EXHIBIT No. 6 (D) (ident.)

Filed July 18, 1955, Harry M. Hull, Clerk.

ANNUAL REPORT OF THE COMMITTEE ON UN-AMERICAN ACTIVITIES

For the Year 1951

1 The committee has also frequently invited any person named in testimony before the committee as being a member of the Communist Party or Communist-front organization, to come before the committee to either affirm or deny the statements made concerning him.

2 Hearings conducted in 1947 resulted in the identification of 10 persons associated with the motion-picture industry as members of the Communist Party.

It was the hope of the committee, after having conducted the 1947 hearings, that the motion-picture industry would accept the initiative and take positive and determined steps to check communism within the industry. Unfortunately, however, the spokesmen for the industry persisted at that time in painting an unrealistic picture of communism in Hollywood and some, at least, would have had the American public believe that there was no such thing as organized communism in the motion-picture industry.

The committee pursued its established policy that whenever it is obvious that a responsible group, whether in industry, labor, or independent organization, does not perform its duty in guarding itself against Communist influence, then the committee must expose this defect. So it was with the motion-picture industry. The committee's hearings in 1951 resulted in the identification of more than 300 persons associated with the industry as members of the Communist Party. There were varying opinions given by witnesses as to the success of the Communists in influencing

the content of motion pictures. The fact was evident that such efforts were made.

4 The committee called Oliver Edmund Clubb, a Foreign Service officer of the State Department, who, at first questioning, could recall none of the facts related by Chambers. Subsequently, through the use of old diaries, Clubb did recall the incident and verified in almost every aspect the circumstances as related by Whittaker Chambers. The committee has learned that Mr. Clubb's suitability for continued employment is presently under consideration by the State Department.

5 During the past year, this committee has been subject, as have many congressional committees in the past, to the efforts of various pressure groups. The committee recognizes that for the most part all of the American public is interested in the proper identification of Communists and Communists endeavors. The committee, however, cannot lend itself to any selfish aims to discredit or defame any persons or groups. To this end, the committee must affirm its directed aims to investigate subversive and un-American activities, and takes this opportunity to invite any person having definite information concerning the identities of any Communist or knowledge of subversive endeavors to furnish such information to the committee.

9 During the 1951 hearings of the committee dealing with the Hollywood motion-picture industry, there were more than 300 persons connected with the industry who were definitely identified as members of the Communist Party either past or present.

16 History alone will show how many of Professor Struik's students were led by him down the road to communism, from which they were unable to return until they had performed acts against their country and fellow citizens. The administrators of the Massachusetts Institute of Technology share equally, if not more so, the responsibility for leading these young people away from American ideals and democratic principles.

26 It is estimated that they have checked three-quarters of a million names through our indexes this year and have consulted an average of well over a hundred pieces of file material daily.

Statistics alone cannot show the total value of service provided. So, in conclusion, it should be emphasized that during the year 1951 valuable source material was acquired and incorporated in the files, and a larger volume of reference service than in any previous year was provided by the files' staff to Members of Congress, the various agencies of the executive branch of the Government, and other members of the committee staff.

DEFTS. EXHIBIT No. 6(E) (ident.)

Filed July 18, 1955. Harry M. Hull, Clerk.

ANNUAL REPORT
OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES
For the Year 1950

4 While this legislation cannot be retroactive, the committee intends to devote a major share of its efforts to a continued investigation of the persons who have engaged in espionage, and the proof of their activities. As illustrated by the Scientist X case, this is a long, tedious process. A score of witnesses in the Scientist X case have been located and subpoenaed by the committee. Prosecution is not yet possible because a majority of these witnesses refuse to cooperate with their Government, even though they themselves are not involved in any espionage activities, by refusing to answer questions relating to their Communist Party activities on the ground of self-incrimination.

An extensive investigation was conducted into the activities of Agnes Smedley. The committee planned to subpoena, and expose the activities of, Agnes Smedley upon her return from England, but, because of her death, the results of this investigation have not been made public.

41 The committee has made readily available, as a reference facility, a collection of lists of signers of Communist Party election petitions, obtained from original petitions or photostatic copies of original petitions which contain 363,119 signatures for various years in 20 States. Its reference collection includes information and documentary evidence collected by staff investigators, official records obtained from other agencies, and data supplied by law-enforcement agencies.

42 Dossiers and reports have been compiled from information on file for the use of committee members and staff investigators.

The consolidated card files of the committee now contain more than half a million card references which serve as an index to source material on file.

43 During the year 1950, reference collections of the committee were consulted by representatives of various investigative units of the following agencies:

- Bureau of the Census
- Central Intelligence Agency
- Department of Agriculture
- Department of the Air Force
- Department of the Army
- Department of Commerce
- Department of the Interior
- Department of Justice
- Department of Labor
- Department of the Navy
- Department of State
- Department of the Treasury
- Displaced Persons Commission
- Economic Cooperation Administration
- Federal Bureau of Investigation
- General Services Administration
- Metropolitan Police Department
- National Security and Resources Board
- Securities and Exchange Commission
- United States Civil Service Commission
- United States Coast Guard
- United States Secret Service

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ANNUAL REPORT
OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES FOR
THE YEAR

1949

15 The committee would like to remind the Congress that its work is part of an 11-year continuity of effort that began with the establishment of a Special Committee on Un-American Activities in August 1938. The committee would also like to recall that at no time in those 11 years has it ever wavered from a relentless pursuit and exposure of the Communist fifth column.

18 The files of the committee compose one of the most comprehensive records in the United States concerning individuals active in subversive groups, the programs and aims of un-American organizations, and their propaganda methods.

19 During the year 1949, some 75,000 cards were added to the consolidated card records of the Committee, which now contain 470,000 card references to activities and affiliations of individuals. These cards serve as an index to source material contained in periodicals, hearings, reports, pamphlets, and miscellaneous exhibit material in file. . . . These indexes and the consolidated card record file facilitate investigative work by members of the staff and authorized personnel from other agencies.

In the course of its investigations into aims and organization of the Communist Party in the United States, the committee has made available a large, completely indexed, and readily accessible reference collection of lists of signers of Communist Party election petitions, which is consulted daily by investigators from various Government agencies

as well as staff members. These lists, obtained from original petitions or photostatic copies of original petitions, contain 363,119 signatures for various years in 20 States.

Of the 363,119 signatures, some 335,660 have been indexed and printed by the committee. The committee has published printed lists of signers of election petitions of the Communist Party for 1940 in the following States: Arizona, California, Connecticut, Illinois, Indiana, Kansas, Kentucky, Maryland, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Utah, Vermont, West Virginia, and Wisconsin.

Throughout the year, individual files have been maintained on some 3,500 leaders of the Communist Party and its various front organizations, and individuals active in Fascist movements.

46 In connection with reports issued from time to time, the Committee on Un-American Activities is cognizant of the fact that supporters of Communist-front organizations and even members of the Communist Party, become disillusioned and aware of the true nature of the movement. In fact it is an objective of the committee to hasten such disillusionment and reeducation. The committee endeavors in its files and reports to record such repudiation wherever possible, and whenever there seems to be convincing evidence of genuine sincerity.

In other cases where the committee may have erred in reference to an individual or an organization, it desires to amend its records in order to avoid any injustice.

DEFTS. EXHIBIT No. 6(G) (ident.)

Filed July 18, 1955, Harry M. Hull, Clerk.

THIS IS YOUR HOUSE COMMITTEE ON UN-AMERICAN
ACTIVITIES

17 71. *Of what value has the House Committee on Un-American Activities been in exposing subversive activities?*

For a period of many years, the House Committee on Un-American Activities was the only Federal body that was fur-

nishing the Congress and the American people with information relating to subversive activities. The true facts of Soviet espionage operations were known to the FBI, but it was powerless to act because of administration restrictions. The committee, through its investigations, hearings, and reports, has over the past years exposed many of these espionage operations. The committee has distributed hundreds of thousands of printed hearings and reports, and held hearings throughout the United States exposing subversive activities, and gathering information upon which Congress has based legislation.

- 18 76. *Has the committee actually had the names of more than a handful of persons who were members of subversive groups?*

Since 1948, the committee has had positive identifications of 4,151 persons who were members of the Communist Party in the United States. Of this total number, 2,381 have been named during this 83d Congress by witnesses under oath before the committee.

- 25 105. *How has the committee assisted in disclosing the operations of the Communist Party and its fronts?*

This committee and the special committee have over the past 16 years held hundreds of hearings and issued and distributed throughout the United States hundreds of thousands of reports exposing the operations of the Communist Party and its fronts.

DEFTS. EXHIBIT No. 6 (H) (ident.)

Filed July 18, 1955, Harry M. Hull, Clerk

100 THINGS YOU SHOULD KNOW ABOUT COMMUNISM

- 19 Exposure in a systematic way began with the formation of the House Committee on Un-American Activities, May 26, 1938.

67 2. Well, aren't the unions being investigated by your committee?

No. Investigating unions, as such, is NOT the committee's job, and so the committee does not do it.

The House Committee on Un-American Activities was started on its way May 20, 1938, with instructions from the United States House of Representatives to expose people and organizations attempting to destroy this country. That is still its job, and to that job it sticks.

.

71 However, this committee, the Department of Justice, and other official agencies issue from time to time lists of Communist-front organizations and outright Party groups.

.

76 48. How can Communism be stopped, here?

First, detect the Communists at work around you. Second, expose them and all their connections. Third, wherever possible, force their prosecution under the laws of our country.

.

125 (Reference on p. 81.)

Congress of the United States,
House of Representatives,
Committee on Un-American Activities,
Washington, September 21, 1950.

Release

In a report dated March 29, 1944, the Special Committee on Un-American Activities listed the *United Gas, Coke and Chemical Workers of America* as an organization in which "Communist leadership is strongly entrenched." In a publication issued in December, 1948, entitled "100 Things You Should Know About Communism and Labor" the Committee on Un-American Activities repeated the foregoing state-

ment in answer to the question "What Unions have the Communists controlled."

Upon request of the officers of this union a subcommittee of this committee, on August 17, 1950, heard the testimony of Mr. Martin Wagner, President of the organization. From this evidence the committee finds:

(1) The *United Gas, Coke and Chemical Workers of America* has taken energetic and effective measures to eliminate such influence.

(2) All persons against whom substantial evidence of Communist activities or views exists in the records of the Committee on Un-American Activities, have been removed as officers.

(3) The charters of local unions found by the parent organization to be following the Communist Party line have been revoked.

(4) According to a constitutional amendment adopted by the union, no person who is a member of a Communist, Nazi, or Fascist organization may be a member of the executive board or an employee of this union.

Upon this testimony, the Committee on Un-American Activities has adopted a resolution providing:

(1) The name of the *United Gas, Coke and Chemical Workers of America* shall be dropped from future editions of the committee pamphlet "100 Things You Should Know About Communism."

(2) No additional copies of the present issue of any committee publication containing reference to this union shall be issued without notation that the statement about the union is no longer true.

126 (3) Any statement by any person to the effect that this committee now finds that the *United Gas, Coke and Chemical Workers of America* under its present officers and bylaws, to be under Communist influence or leadership, is unauthorized and untrue.

(4) That a copy hereof, over the signature of the committee chairman shall be furnished the union.

The foregoing is a copy of the action taken by the Committee on Un-American Activities on the report of its subcommittee appointed to hear the testimony of Mr. Martin Wagner, President of the United Gas, Coke and Chemical Workers, CIO.

Jno S. Wood,

Chairman, Committee on Un-American Activities

DEFTS. EXHIBIT No. 6 (I) (ident.)

Filed July 18, 1955

ORGANIZED COMMUNISM IN THE UNITED STATES

1 This seeming paradox is at least partially explained by the fact that a major segment of anti-Communist opinion has remained apathetic, or at least passive and inarticulate, largely because the great American public has no real understanding of the Communist threat—and for the further reason that a considerable aggregation of self-serving, self-proclaimed “anti-Communists” are actually helping the Communist cause by their continuous carping criticism of every honest effort to expose and combat Communist subversion—a situation which likewise is flourishing because of a lack of public appreciation of Communist methods and objectives.

DEFTS. EXHIBIT No. 6 (J) (ident.)

Filed July 18, 1955

REPORT ON THE MARCH OF LABOR

23- The foregoing report has sought to spotlight the Communist Party members and Communist purposes

behind the innocuous-sounding publication, the *March of Labor*. Since a Communist "front" is aimed primarily at deceiving loyal Americans into doing the party's work, such a project cannot long exist once its true purposes are known.

DEFTS. EXHIBIT No. 6(K) (ident.)

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INVESTIGATION OF COMMUNIST ACTIVITIES IN THE
CHICAGO AREA—PART 1

HEARING BEFORE THE
COMMITTEE ON UN-AMERICAN ACTIVITIES
HOUSE OF REPRESENTATIVES

Eighty-Third Congress
Second Session

4166 Every witness who has been subpoenaed to appear before the committee here in Chicago, as in all hearings conducted by this committee, are known to possess information which will assist the committee in performing its directed function to the Congress of the United States. The first witness to be called for appearance today, while not having information relating directly to activities within the midwestern area, possesses information relative to activities in our great neighboring areas to the northwest. While the committee has scheduled hearings to be held in Albany, N. Y.; San Diego, Calif.; and Detroit, Mich., it is felt that this witness whose information we hope will be of assistance to us, should be able to advise you of activities both on the west as well as on the east coast.

I have appointed my good friend and colleague, Representative Gordon H. Scherer of Ohio, another very good friend and colleague, Mr. Morgan Moulder of Missouri, and myself as chairman.

DEFTS. EXHIBIT No. 6(L) (ident.)

Filed July 18, 1955, Harry M. Hull, Clerk

INVESTIGATION OF COMMUNIST ACTIVITIES IN THE
CHICAGO AREA—PART 2

HEARING BEFORE THE
COMMITTEE ON UN-AMERICAN ACTIVITIES
HOUSE OF REPRESENTATIVES

Eighty-Third Congress
Second Session

4243 Testimony of Walter Rumsey

Mr. Rumsey: Walter W. Rumsey.

Mr. Kunzig: R-u-m-s-e-y?

Mr. Rumsey: Right.

Mr. Kunzig: And your present address, Mr. Rumsey?

Mr. Rumsey: Moline, Route 1.

Mr. Kunzig: Moline, Ill.?

Mr. Rumsey: Moline, Ill.

Mr. Kunzig: Route 1?

Mr. Rumsey: Route 1.

Mr. Kunzig: What is your present employment, sir?

Mr. Rumsey: Painter.

Mr. Kunzig: Where?

Mr. Rumsey: John Deere Plow Works, in Moline, Ill.

Mr. Kunzig: How do you spell that Deere?

Mr. Rumsey: D-e-e-r-e.

Mr. Kunzig: John Deere Plow Works?

Mr. Rumsey: Plow works.

Mr. Kunzig: How long have you been employed by the John Deere Plow Works?

Mr. Rumsey: Since 1937.

Mr. Kunzig: And this is in Moline, Ill.?

Mr. Rumsey: It is in Moline, Ill.

Mr. Kunzig: Where were you born, Mr. Rumsey?

Mr. Rumsey: Milwaukee, Wis.

Mr. Kunzig: What year?

Mr. Rumsey: 1894.

Mr. Kunzig: Are you now a member of the Communist Party, Mr. Rumsey?

Mr. Rumsey: No.

Mr. Kunzig: Have you ever been a member of the Communist Party?

Mr. Rumsey: Yes.

Mr. Kunzig: When did you join the party?

Mr. Rumsey: 1942, the last part of 1942, 1943.

Mr. Kunzig: Where did you join?

Mr. Rumsey: Rock Island, Ill.

Mr. Kunzig: Would you explain to the committee, please, the circumstances under which you joined the party?

Mr. Rumsey: Well, I was chairman of a local union in the John Deere Plow Works. I had a series of operations, and I was incapacitated to the heavier work. So I took within the Farm Equipment Union an organizing job in that union. And in that respect became and was involved in the union and with the Communists within the union, and was recruited into the party.

Mr. Kunzig: Who recruited you into the Communist Party, Mr. Rumsey?

4244 Mr. Rumsey: John T. Watkins. He was then district president of the FE-CIO.

Mr. Kunzig: Would you give the full name of that union, please?

Mr. Rumsey: United Farm Equipment and Metal Workers, CIO, at that time.

Mr. Kunzig: And do you know where he is today, if it lies within your knowledge?

Mr. Rumsey: No, it doesn't. His home is in Rock Island.

Mr. Kunzig: Rock Island?

Mr. Rumsey: Yes.

Mr. Kunzig: Do you know whether he is connected with any union activity today?

Mr. Rumsey: Yes, he took a few of the locals within the UE-FE, which the CIO expelled, and then they emerged from the UE, and from there he took 3 or 4 locals to himself, and they are about to have elections for going back to the CIO.

Mr. Kunzig: Would you explain just how he recruited you, how this John T. Watkins recruited you into the Communist Party?

Mr. Rumsey: Well, first, they were quite free with the dollar at the time. Secondly, I was told that a good organizer should be with the party so that they could follow the old party line.

Mr. Kunzig: A good labor organizer should be with the Communist Party to follow the Communist Party line?

Mr. Rumsey: That is right.

Mr. Kunzig: Did he tell you at that time that he was a member of the Communist Party himself?

Mr. Rumsey: No, he didn't say that he was.

Mr. Kunzig: But you found him to be when you got in, is that right?

Mr. Rumsey: That is right.

Mr. Kunzig: Now, how long did you belong to the Communist Party?

Mr. Rumsey: It would be in 1944, August, when I left.

Mr. Kunzig: To whom did you pay dues in the party?

Mr. Rumsey: Well, it would be the various organizers, that is the district organizers.

Mr. Kunzig: Did you ever pay dues to Mr. Watkins?

Mr. Rumsey: Yes.

Mr. Kunzig: Was this at the beginning?

Mr. Rumsey: At the start.

Mr. Kunzig: Do you recall how much dues you did pay?

Mr. Rumsey: Well, it was on the percentage. It was prorated percentage-wise.

Mr. Kunzig: How much money you made, is that right?

Mr. Rumsey: That is right.

Mr. Kunzig: And then later on, I presume, you paid dues to the party functionary in the district, is that right?

Mr. Rumsey: That is right; yes.

Mr. Kunzig: Do you recall any of the names of those people?

Mr. Rumsey: Yes. Warner Betterson.

Mr. Kunzig: What is the name again.

Mr. Rumsey: Warner Betterson.

Mr. Kunzig: How do you spell the last name?

Mr. Rumsey: I will have to refer here—

4245 Mr. Kunzig: Are these notes of your own?

Mr. Rumsey: Yes; they are my own. Are they all right?

Mr. Kunzig: Go ahead.

Mr. Rumsey: It has been quite a while. B-e-t-t-e-r-s-o-n.

Mr. Kunzig: I see. And you paid dues to him?

Mr. Rumsey: Yes. Another one I paid dues to was Joan Steel.

Mr. Kunzig: Who was this Betterson and who was Joan Steel?

Mr. Rumsey: One followed the other. Betterson was the district organizer of the district of Iowa, Nebraska, and a portion of Illinois, the Quad Cities of Illinois. When he left, this Joan Steel became the organizer at that time, as the district functionary.

Mr. Kunzig: What branch of the Communist Party did you belong to?

Mr. Rumsey: The industrial group.

Mr. Kunzig: What was it? Would you describe to the committee the main purpose and activities of that branch of the party? What were they trying to do for the Communist Party?

Mr. Rumsey: Well, what they were striving to do was to disrupt mainly, to set their program of propaganda, to get the shop workers acclimated to the Daily Worker, and that was the function of the organizer.

Mr. Kunzig: What positions did you hold, Mr. Rumsey, in the Communist Party in your area?

Mr. Rumsley: Well, in 1943, I was the Quad City industrial district organizer.

Mr. Kunzig: Quad City industrial district organizer?

Mr. Rumsey: Yes.

Mr. Kunzig: During that time, did you hold any official position with the FEUE-CIO?

Mr. Rumsey: I was organizer for the union, too, yes; for that union.

Mr. Kunzig: Did it ever get confusing as to who you were working for.

Mr. Rumsey: It was one and the same.

Mr. Kunzig: One and the same?

Mr. Rumsey: Yes.

Mr. Kunzig: Could you explain that a little bit?

Mr. Rumsey: Well, the party line, of course, had to be adhered to at union meetings in order to get our so-called pieces of legislation passed by the people in the shop, so that we had to organize before each meeting, our people, the Communists, in order for them to understand. This may sound a little silly, but nevertheless, we may put one piece of legislation before a union, a local union today, and change it tomorrow, so that I mean we had to be on our toes on this.

Mr. Kunzig: You were following, of course, the Communist line?

Mr. Rumsey: That is right.

Mr. Kunzig: Could you tell us specifically what your duties were as organizer for the Communist Party?

Mr. Rumsey: Well, to recruit, and to recruit new members, hold study groups, clubs as they called it, study clubs in the evenings, and then as I say, keep our people in the shop, what Communists we had, to lead the union meetings, and dominate them.

Mr. Kunzig: Did you personally attend any Communist Party conventions?

4246 Mr. Rumsey: Yes; in Des Moines, Iowa, in 1943, 1944, I think it was, in the spring of 1944.

Mr. Kunzig: What activity did you have there, if any specific one?

Mr. Rumsey: I was there; I was appointed to the district committee.

Mr. Kunzig: What was that?

Mr. Rumsey: Of the Communist Party.

Mr. Kunzig: In what area?

Mr. Rumsey: In Iowa, Nebraska, and Illinois.

Mr. Kunzig: Did you ever solicit memberships? Did you ever get other people to join the party?

Mr. Rumsey: Yes; a few.

Mr. Kunzig: Before we go into the various people that you solicited into the party, the people from whom you may have collected dues, I think, Mr. Chairman, this might be the moment for a 5-minute recess.

Mr. Velde: The committee will be in recess for 5 minutes. (Whereupon a brief recess was taken.)

Mr. Velde: The committee will be in order.

Proceed, Mr. Counsel.

Mr. Kunzig: Mr. Rumsey, you mentioned that you had solicited people into the Communist Party. Would you tell us the names of some of the people whom you solicited?

Mr. Rumsey: Gus; I think it is Peter Gustafson. He goes by the name of Gus.

Mr. Kunzig: Gustafson?

Mr. Rumsey: That is right.

Mr. Kunzig: Who or where is he?

Mr. Rumsey: He is an employee of the John Deere Plow Works, secretary of the UE Union, secretary of that local in the UE Union.

Mr. Kunzig: Who else?

Mr. Rumsey: Donald O. Spencer.

Mr. Kunzig: He already has appeared and testified before this committee; is that correct?

Mr. Rumsey: That is correct.

Mr. Kunzig: Did you collect dues, too, from people for the Communist Party?

Mr. Rumsey: Well, I collected dues as the district organizer for that district after being made such for the industrial group, that is, all organizers, John Watkins, alias Sam Brown.

Mr. Kunzig: That is the John Watkins you mentioned a few moments ago?

Mr. Rumsey: That is right, one and the same.

Mr. Kunzig: He has an alias?

Mr. Rumsey: Sam Brown.

Mr. Kunzig: But they are the same person?

Mr. Rumsey: That is his Communist Party name, Sam Brown.

Mr. Kunzig: I see.

Mr. Rumsey: That is what he—and then there were others, Harold Fisher.

Mr. Kunzig: Harold Fisher.

Mr. Rumsey: Charles Hobbe.

Mr. Kunzig: Who was Harold Fisher?

Mr. Rumsey: He was a district organizer, in the district for the union.

4247 Mr. Velde: May I ask, was it a common practice in that particular unit of the Communist Party to use an alias?

Mr. Rumsey: Yes. In all the various Communist cells or clubs, it is very common.

Mr. Velde: What was the purpose of using aliases generally? At that time, did the members of the Communist Party particularly in the labor unions, as officials, have the feeling they were doing something wrong or something secretive?

Mr. Rumsey: That was my question to them, too. Yes, they did. From the time that I joined, I took the position that if I was joining it, I would be one, and I didn't care who knew it. But they used their aliases, and apparently had something to hide.

Mr. Velde: Used their aliases for the purpose of signing membership cards and paying dues?

Mr. Rumsey: Paying dues, yes. Otherwise, within the local unions, they functioned as Watkins, so on, you see.

Mr. Velde: Proceed, Mr. Counsel. In other words, it was just a coverup.

Mr. Kunzig: In the case of Watkins, did you collect dues from him under the name of Watkins or Sam Brown?

Mr. Rumsey: Sam Brown.

Mr. Kunzig: You mentioned Donald Spencer, Watkins, Gustafson; are there any other people from whom you collected dues?

Mr. Rumsey: Quite a few. There are a lot of them around now. Henry Mack.

Mr. Kunzig: What was he at the time?

Mr. Rumsey: Well, he was an organizer, came from the Abraham Lincoln Brigade. An organizer over in Spain.

Mr. Kunzig: Was he in the Moline area?

Mr. Rumsey: Yes, he was out there at the time I collected dues from him.

Mr. Kunzig: He is not there now?

Mr. Rumsey: No, he is not there.

Mr. Scherer: I think it should be noted, Mr. Counsel, that the Abraham Lincoln Brigade has been designated as a Communist-front organization on numerous occasions.

Mr. Kunzig: Yes. Are there any other names, Mr. Rumsey?

Mr. Rumsey: I have a list of them.

Mr. Kunzig: Is this a list which you made of people whom you knew to be members of the Communist Party?

Mr. Rumsey: This is a few of them I have had contact with, and know to be definitely Communists.

Mr. Kunzig: You definitely know these people to be Communists. You are only going to mention names now of people whom you knew to be Communists?

Mr. Rumsey: Whom I have had contact with through the Communists and functioned with them as a Communist.

Mr. Kunzig: As a Communist.

Mr. Rumsey: That is right.

Mr. Kunzig: Use your notes and give us the names.

Mr. Rumsey: I would like to have it stated, too, I am making no mistakes about these. These are known, paid, and so forth, card-carrying Communists.

Mr. Scherer: They were at the time?

4248 Mr. Rumsey: I am glad you spoke of that. They were at the time I was in.

Mr. Scherer: They may not be today.

Mr. Rumsey: They may not be today.

Leland Baker, Peoria Caterpillar plant. Warren Bettersen, district organizer for the Iowa, Illinois, Nebraska, that is portions of Illinois. John T. Watkins, alias Sam Brown, district organizer for the FE-CIO at that time. Morris Childs, from the central Communist committee.

Mr. Kunzig: What connection did you have with Morris Childs?

Mr. Rumsey: Well, we would—there would be conventions held here in Chicago, maybe in Cleveland, various places, to which Morris Childs would bring the happenings of the top Communist committee to us.

Mr. Kunzig: He would bring the word down as to what you were to do?

Mr. Rumsey: What we were to do and how we were to function.

Mr. Kunzig: All right. Who else?

Mr. Rumsey: Ernie De Maio.

Mr. Kunzig: How do you spell that De Maio?

Mr. Rumsey: De M-a-i-o.

Mr. Kunzig: Ernie De Maio. Who was he?

Mr. Rumsey: District organizer here for the Chicago district, United Electrical Workers. Gerald Fielde, or Jerry Fielde, from the FE, United Farm Equipment Metal Workers. Harold Fisher. F-i-s-h-e-r.

Mr. Kunzig: Who is Harold Fisher?

Mr. Rumsey: District organizer for the Moline—Quad-City area, in the FE, United Farm Equipment Metal Workers.

Gus Gustafson.

Mr. Kunzig: Mentioned a while ago.

Mr. Rumsey: An employee of the John Deere Plow Works, secretary-treasurer of the local.

Catherine Hall, Mrs. John T. Watkins now. She was a district organizer at that time for the United Farm Equipment Metal Workers, CIO, in the district of Rock Island, Moline, and Davenport.

Mr. Kunzig: In addition to knowing that John Watkins was a member of the Communist Party, you also knew his wife, Catherine Hall, was a member?

Mr. Rumsey: That is right, collected dues from her.

Mr. Kunzig: Who else?

Mr. Rumsey: Dorothy Hillyerd.

Mr. Kunzig: Spell that.

Mr. Rumsey: H-i-l-l-y-e-r-d.

Mr. Kunzig: Who was Dorothy Hillyerd?

Mr. Rumsey: She was an employee in one of the shops in the Quad-Cities, just an employee, card carrier.

Charles Hobbe, district organizer for the Iowa branch of the Farm Equipment and Metal Workers at Cedar Rapids, Iowa.

Charles Killinger, United Farm Equipment and Metal Workers, in the labor district here in Chicago, on the south side.

Mr. Kunzig: Is that K-i-l-l-i-n-g-e-r?

Mr. Rumsey: That is right.

Mr. Kunzig: Charles Killinger?

Mr. Rumsey: Yes.

4249 Mr. Kunzig: Who else?

Mr. Rumsey: Theo Kruse from Moline, a beautician operator.

Mr. Kunzig: K-r-u—

Mr. Rumsey: —s-e.

Mr. Kunzig: Kruse.

Mr. Rumsey: Charles Lawson, district vice-president at that time of the United Farm Equipment and Metal Workers, lake district, on the south side.

Mr. Kunzig: You knew him also to be a card-carrying Communist?

Mr. Rumsey: That is right. Olaf Lidel, a watchmaker in Rock Island.

Mr. Kunzig: Spell that.

Mr. Rumsey: L-i-d-e-l.

Mr. Kunzig: And the first name is O-l-a-f?

Mr. Rumsey: Olaf.

Mr. Kunzig: Who was Mr. Lidel?

Mr. Rumsey: He was a watchmaker, repaired watches in Rock Island.

Mr. Kunzig: Rock Island?

Mr. Rumsey: Rock Island, Ill.

Mr. Kunzig: All right.

Mr. Rumsey: Sarah and Murray Levine. They were just citizens, but Communists.

Mr. Kunzig: Where?

Mr. Rumsey: In Rock Island.

Mr. Kunzig: In Rock Island. And who else now?

Mr. Rumsey: Leuth.

Mr. Kunzig: Spell that.

Mr. Rumsey: L-e-u-t-h.

Mr. Kunzig: Harriet Leuth?

Mr. Rumsey: Yes.

Mr. Kunzig: Who was Harriet Leuth?

Mr. Rumsey: Just a factory worker, no official position. And Henry Mack.

Mr. Kunzig: Henry Mack?

Mr. Rumsey: That is the one from the Abraham Lincoln Brigade.

Mr. Kunzig: You mentioned him awhile ago?

Mr. Rumsey: Yes. He was an organizer for the Rock Island district for the United Farm Equipment and Metal Workers, CIO, at that time.

Herb Marsh.

Mr. Kunzig: M-a-r-s-h?

Mr. Rumsey: That is right.

Mr. Kunzig: Who was Herb Marsh?

Mr. Rumsey: District president for the Packinghouse Workers.

Mr. Kunzig: District president for the Packinghouse Workers?

Mr. Rumsey: That is right.

Mr. Kunzig: And you knew him as you knew all of these others to be members of the Communist Party?

Mr. Rumsey: Yes.

Mr. Kunzig: And who else?

Mr. Rumsey: Ajay Martin.

Mr. Kunzig: Spell that.

Mr. Rumsey: A-j-a-y M-a-r-t-i-n.

4250 Mr. Kunzig: His first name was Ajay.

Mr. Rumsey: Ajay Martin, Peoria Caterpillar Works.

Mr. Kunzig: From the Peoria Caterpillar Works. What was his position down there?

Mr. Rumsey: The last official position he had was vice president, international vice president of the United Farm Equipment and Metal Workers.

Mr. Kunzig: And you knew him as a Communist?

Mr. Rumsey: Yes, sir.

Mr. Kunzig: Who else was there?

Mr. Rumsey: Harold Metcalf. He is a retired machine worker from Davenport, Iowa.

Mr. Kunzig: Go on, please.

Mr. Rumsey: John Milkevitch.

Mr. Kunzig: M-i-l-k-e-v-i-t-c-h?

Mr. Rumsey: That is right, from the International Harvester Works. He was a committee member of the union, local 104, East Moline, International Harvester plant.

Mr. Kunzig: Are there any others that you knew?

Mr. Rumsey: Grant Oakes.

Mr. Kunzig: G-r-a-n-t O-a-k-e-s?

Mr. Rumsey: Yes, that is right.

Mr. Kunzig: Who was Grant Oakes?

Mr. Rumsey: He was president of the International Farm Equipment and Metal Workers.

John Weber or Joe Weber, or Joe Ruick, either one.

Mr. Kunzig: That was an alias?

Mr. Rumsey: I don't know which was the alias.

Mr. Kunzig: You don't know which was the real name on the alias?

Mr. Rumsey: I think Ruick was the real name, or that was. I think that is what he came to this country with. This Weber was hooked on later on.

Anyway, it was Ruick or Weber, either one.

Mr. Kunzig: Who was Mr. Ruick or Mr. Weber?

Mr. Rumsey: He was district organizer for the national office, out of the national office.

Mr. Kunzig: Of what?

Mr. Rumsey: Of the Farm Equipment and Metal Workers. He was up for deportation. I don't know what came out of it.

Then there was a Frank Rogers. He was an organizer for the Farm Equipment and Metal Workers. He worked out of the lake district here in the south side. At one time, he was at Peoria.

Mr. Kunzig: Any other names now?

Mr. Rumsey: Arthurs Saunders. S-a-u-n-d-e-r-s.

Mr. Kunzig: Is that the way to spell it?

Mr. Rumsey: Yes.

Mr. Kunzig: Arthur Saunders.

Mr. Rumsey: Steelworkers.

Mr. Kunzig: In what connection did you know Arthur Saunders?

Mr. Rumsey: A Communist, in the confines of communism, attending meetings, so forth.

Mr. Kunzig: What was his work other than communism?

4251 Mr. Rumsey: His position in the steelworkers was that of an organizer.

William Sentner:

Mr. Kunzig: Spell Sentner.

Mr. Rumsey: S-e-n-t-n-e-r.

Mr. Kunzig: William Sentner. Who was William Sentner?

Mr. Rumsey: He was the district vice president for the St. Louis district. It is quite a district, part of Illinois, Missouri, Iowa, —

Mr. Kunzig: District of what?

Mr. Rumsey: Of the United Electrical, Radio and Machine Workers, UE.

Mr. Kunzig: I see. Continue.

Mr. Rumsey: Seymour Siporin.

Mr. Kunzig: S-e-y-m-o-u-r?

Mr. Rumsey: Yes, sir.

Mr. Kunzig: Spell the last name.

Mr. Rumsey: S-i-p-o-r-i-n. District organizer for the United Farm Equipment and Metal Workers Union.

Mr. Kunzig: Who else?

Mr. Rumsey: Donald O. Spencer.

Mr. Kunzig: That is the Spencer who has cooperated with the committee?

Mr. Rumsey: Yes. He has no official position with any union as of this time.

Joan Steel, district organizer for the Iowa, Nebraska, and Illinois, part of Illinois district of the Communist Party.

Joe Stern.

Mr. Kunzig: S-t-e-r-n?

Mr. Rumsey: Yes.

Mr. Kunzig: Who was Joe Stern?

Mr. Rumsey: Well, the first I got to know of him, he was on the committee in the East some place.

Mr. Kunzig: What committee?

Mr. Rumsey: Central committee, a committee, Quad-Cities Industrial Committee.

Then there was George and Ray Teeple.

Mr. Kunzig: Spell that, please.

Mr. Rumsey: T-e-e-p-l-e.

Mr. Kunzig: George and Ray Teeple. Are they two people or one?

Mr. Rumsey: Two people, brothers, two. They would have to be.

Mr. Kunzig: Now, the two Teeples; what was their position other than the Communist work that you knew?

Mr. Rumsey: Well, Ray Teeple was chairman of the local union in Bettendorf, Iowa, which is included in the Quad Cities, and he was chairman of that local for the Bettendorf union at the time. George Teeple; he was a foundry worker in Moline, but they were both within the Communist Party.

Mr. Kunzig: Any others?

Mr. Rumsey: Donald T-i-e-g-l-a-n.

Mr. Kunzig: Who was Donald Tieglan?

Mr. Rumsey: He is from 104, International Harvester local, East Moline, and secretary-treasurer of their local at one time. Incidentally, he ran as representative, and served as a representative for 2 years, in the House of Representatives.

4252 Mr. Kunzig: Here—

Mr. Rumsey: Here in Illinois.

Mr. Kunzig: Here in Illinois?

Mr. Rumsey: That is right.

Mr. Kunzig: And this man, Donald Tieglan, whom you knew, as you say, just served as a representative in Illinois, you knew to be a member of the Communist Party?

Mr. Rumsey: That is right.

Mr. Kunzig: Any others?

Mr. Rumsey: Rex Wielock, United Electric Workers' organizer.

Mr. Kunzig: Continue.

Mr. Rumsey: John and Marie Wilson, man and wife, no official position, only Communists.

Mr. Kunzig: Where did they live?

Mr. Rumsey: Davenport, Iowa.

Mr. Kunzig: Is that the full number of names?

Mr. Rumsey: That is all that I have; yes.

Mr. Kunzig: So that the record is clear and we understand it completely, all of the names you have mentioned in the last 10 or 15 minutes are people whom you knew to be members of the Communist Party?

Mr. Rumsey: That is right; that I have either collected dues from or sat in important Communist meetings with.

4255 Mr. Velde: Of course, we have had a great many hearings all throughout the country dealing with the subject of communism and the labor union movement. We have had a lot of our hearings printed, pamphlets, so that members in the Communist-dominated unions should know that we have the information and should be willing to read the information that is furnished free of charge in most instances by the Federal Government. As far as the elections themselves are concerned, elections for representation, are all union members pretty well notified of the pending election?

DEFTS. EXHIBIT No. 6(M) (ident.)

(Filed July 18, 1955)

998 Mr. Polumbaum: I believe that this committee—if this committee has any evidence of illegal activities or illegal conspiracy, it is certainly within its right to bring this evidence before the proper authorities and have any persons so charged brought into court.

Mr. Clardy: That is what we are doing. We are bringing it to the attention of the American people—the real jury that will convict those of you that may be engaged in that conspiracy.

DEFTS. EXHIBIT No. 6(N) (ident.)

Filed July 18, 1955

**COMMUNIST METHODS OF INFILTRATION
(EDUCATION—PART 4)****HEARINGS BEFORE THE COMMITTEE ON UN-AMERICAN
ACTIVITIES HOUSE OF REPRESENTATIVES****Eighty-Third Congress
First Session**

1106 Mr. Velde: I was in the Federal Bureau of Investigation for some time and I am aware of the fact that while every attempt is made to discover subversive activities by the Federal Bureau of Investigation, like all other intelligence agencies they are not infallible, and I can assure you very definitely that the Federal Bureau of Investigation does not have the complete roster of members of the Communist Party and does not have a complete list of all of the persons in this country who are engaged in subversive activities. That fact has been brought out. I think Mr. J. Edgar Hoover and the Federal Bureau of Investigation are fine people and it is a great organization, but they are not infallible.

So as a committee of Congress, elected by the people, we feel that we have a duty and that duty has been imposed upon us by Congress not only to report to Congress for the purpose of remedial legislation but to inform the people who elected us about subversive activities. Frankly, I think that at the time you became dissatisfied and withdrew from the Communist Party, as an American citizen it imposed a duty upon you to apply to some agency of government which was interested in subversive activities. You say you knew they were investigating you. I mean that in all respect, but I just want to put that in the record.

1141 Mr. Doyle: * * * We are assigned by the United States Congress to investigate any individual whom

the record shows is in the judgment of the committee and the evidence, subversive.

DEFTS. EXHIBIT No. 7 (ident.)

Filed July 18, 1955. Harry H. Hull, Clerk

Schedule B

Excerpts from the following documents are included in Schedule B:

1. Special Report on Subversive Activities Aimed at Destroying our Representative Form of Government, 77th Congress, 2nd Session, House Report No. 2748 (1942).
2. Report of the Committee on Un-American Activities, 79th Congress, 2nd Session, House Report No. 2742 (1946).
3. Hearings Before the Committee on Un-American Activities, House of Representatives, 82nd Congress, 2nd Session, Communist Activities in the Chicago Area—Part 1 (1952).
4. Hearing Before the Committee on Un-American Activities, House of Representatives, 83rd Congress, 1st Session, Communist Methods of Infiltration (Education—Part 2) (1953).
5. Report of the Special Committee, House of Representatives, to Investigate Un-American Activities, H. Rep. No. 2, 76th Congress, 1st Session, 13 (1939).
6. Report of the Special Committee to Investigate Un-American Activities, House of Representatives, H. Rep. No. 1476, 76th Congress, 3rd Session, 1, 3, 24 (1940).
7. Report of the Special Committee to Investigate Un-American Activities, House of Representatives, H. Rep. No. 1, 77th Congress, 1st Session, 24 (1941).

SPECIAL REPORT ON SUBVERSIVE ACTIVITIES AIMED AT DESTROYING OUR REPRESENTATIVE FORM OF GOVERNMENT.—
77TH CONG. 2nd. Sess., 1942.

“This committee has defined its special function, in accordance with the terms of the mandate given by the House,

as the discovery and exposures of those enemy groups which fight with nonphysical weapons as a fifth column on our home front." (page 2)

"On October 25, 1939, the Committee made public the names, positions, and salaries of some 563 Government employees located in Washington, D. C. who were members of the American League for Peace and Democracy. In three reports which this committee has made to the House, it has found the American League for Peace and Democracy to be a communist front organization. It will be recalled that Earl Browder was Vice President of that organization. Furthermore, the Attorney General, Mr. Francis Biddle, has branded the American League a subversive organization, in language as strong as any used by this committee in its character. In making public this list, the committee issued an accompanying statement which made clear that it did not consider all of the people on that list or any one of them in particular to be communists, but in view of the fact that these Government employees were members of a communist front organization and continued their membership long after the organization was exposed as being communistic, the committee felt that the Congress and the people were entitled to know who they were. This was an authentic membership list obtained from the Headquarters of the American League for Peace and Democracy by due process of subpoena which was served upon the Secretary of the organization. (pages 4 and 5).

REPORT OF THE COMMITTEE ON UN-AMERICAN ACTIVITIES, 79th Congress, 2nd Session, 1946 H. Rept. 2742.

"The committee, during the past 2 years, has assembled an exhaustive file on every known subversive individual and organization at work in the United States today. The committee's system of cross-indexing, filing, and master filing is considered one of the outstanding systems of this type in the United States. The files of the committee are used daily as sources of information by practically every investigative division of the Federal Government." (Page 16)

COMMUNIST ACTIVITIES IN THE CHICAGO AREA— PART 1

(United Electrical, Radio and Machine Workers of America; and Farm Equipment Workers Council, UERMWA)

HEARINGS BEFORE THE COMMITTEE ON UN-AMERICAN ACTIVITIES,
HOUSE OF REPRESENTATIVES

Eighty-Second Congress
Second Session

3737 TESTIMONY OF DONALD O. SPENCER

Mr. Tavenner: When and where were you born, Mr. Spencer?

Mr. Spencer: Standwood, Iowa, February 6, 1903.

Mr. Tavenner: What has been your educational training?

Mr. Spencer: I graduated from high school in 1920, and that is about all of the schooling I had.

Mr. Tavenner: What has been your record of employment in the past, say, since 1935?

Mr. Spencer: I started at John Deere Plow Works in 1928.

Mr. Tavenner: And you are still employed there?

Mr. Spencer: Yes, sir.

Mr. Tavenner: During that period of time, have you been affiliated with the Farm Equipment Workers?

Mr. Spencer: I was until I was expelled from the union.

3738 Mr. Tavenner: When were you expelled?

Mr. Spencer: I was expelled in April, sometime during April of 1949. I was a member from February 3, 1943, until that time, that is when we organized the plant, under FE-CIO.

Mr. Velde: What was that date again?

Mr. Spencer: February 3, 1943, that is when we received, you know, our bargaining rights, under the FE-CIO.

Mr. Tavenner: Now, is that the time of your expulsion from the union, was it in 1949 that you were expelled from the union?

Mr. Spencer: In 1949 I was expelled from the union, in April.

Mr. Tavenner: Is that about the time that the FE and the UE left the CIO-or were expelled from the CIO?

Mr. Spencer: No; that is the spring before that happened, they were expelled that November of the same year.

Mr. Tavenner: What was the reason for your expulsion?

Mr. Spencer: I worked with the UAW because I felt as a good many others did that the FE was going to get expelled from the CIO, and I wanted to remain within the CIO, and I also wanted to see my plant going up with other plants of the Deere chain with the UAW, because they represent most of the Deere workers, and I thought we would have a solidier and better union.

Mr. Tavenner: During the period that you were a member of the Farm Equipment Workers, did you become a member of the Communist Party?

Mr. Spencer: Yes, sir.

Mr. Tavenner: When did you become a member?

Mr. Spencer: In 1943, in October.

Mr. Tavenner: How long did you remain a member of the Communist Party?

Mr. Spencer: Well, my dues were paid until the 1st of January 1946.

Mr. Tavenner: Who recruited you into the Communist Party?

Mr. Spencer: Walter Rumsey encouraged me into the party, with the endorsement and full knowledge of John Watkins.

Mr. Tavenner: Is that John Watkins?

Mr. Spencer: Yes, sir. He was district vice president of the FE at the time.

Mr. Tavenner: What position did Mr. Rumsey hold in the FE at that time?

Mr. Spencer: He was chairman of my local, 150, FE-CIO.

Mr. Tavenner: When you were recruited into the party, were you assigned to a group or cell of the Communist Party?

Mr. Spencer: No; not at that time. There was just one group in the district at that time to my knowledge, and that was the Quad City group of the Communist Party.

Mr. Tavenner: Did you hold any position within your Communist Party group?

Mr. Spencer: Yes, sir.

Mr. Tavenner: What was that?

Mr. Spencer: I was chairman of the industrial group, but not the first year, that was later, when they organized into industrial groups.

Mr. Tavenner: What were your duties as chairman of the industrial group?

3739 Mr. Spencer: To encourage membership within the shops, and to organize them along, so they would cooperate one group with the other.

Mr. Tavenner: Were groups organized in various shops?

Mr. Spencer: There was an attempt made to organize them, but not too successfully.

Mr. Tavenner: Explain to us just what the Communist Party set-up was within FE, as far as you are able to describe it.

Mr. Spencer: Well, the group there was an industrial group that we tried to organize, we had a few members in some of the shops and we tried to expand on that. The industrial group was to represent the shop workers, the industrial workers within the various shops in the Quad Cities.

Mr. Tavenner: How many groups or branches of the Communist Party were formed to your knowledge within that area?

Mr. Spencer: Well, within the industrial group, they just remained one large group because there were a few in one shop and a few in another, and others.

Mr. Tavenner: But all members of one branch or group of the Party?

Mr. Spencer: Yes; industrial group.

Mr. Tavenner: Did that group have a name?

Mr. Spencer: Nothing other than the industrial group of the Communist Party, Quad City area.

Mr. Tavenner: Were the members confined to any particular local?

Mr. Spencer: Well, the majority of them were within my own local.

Mr. Tavenner: What was your local?

Mr. Spencer: Local 150, FE-CIO, at the time.

Mr. Tavenner: In the performance of your duties as chairman of the Industrial Group, did you do any recruiting or attempt to do any recruiting of members?

Mr. Spencer: Well, no, I didn't; I tried to hold what we had and get together with them and have discussions, because I was pretty busy myself because I was a union officer at the time, you see.

Mr. Tavenner: Did you recruit any new members yourself?

Mr. Spencer: Yes, I did.

Mr. Tavenner: Who were they?

Mr. Spencer: Hazel Jones was one, and Bill Gardner; they both worked within the shop.

Mr. Tavenner: Are you acquainted with Harriet Leuth?

Mr. Spencer: She was a member of our executive board. That is L-e-u-t-h. She was recording secretary of local 150.

Mr. Tavenner: What positions in the union were held by members of your branch of the Communist Party?

Mr. Spencer: Well, I was vice chairman of the local, and chairman of the grievance committee, and Walter Rumsey was chairman of the local, and Gus Gustofson was secretary-treasurer of the local, and Hazel Jones was the steward in the local, the steward of the tractor drivers, and I believe those are the only executive positions within the local that were held by members of the Communist Party.

Mr. Tavenner: Did that virtually assure Communist control of the activities of the union?

3740 Mr. Spencer: A good share of it. I wouldn't say absolute control, but quite a bit of it.

Mr. Tavenner: Are you acquainted with a person by the name of Ray Teeple?

Mr. Spencer: Yes, sir.

Mr. Tavenner: What position did he hold in the Communist Party, if any?

Mr. Spencer: He was secretary at the time I joined, and he is the one that signed me up at his house, in Bettendorf, Iowa.

Mr. Tavenner: How was he employed at that time?

Mr. Spencer: He was working at the tank arsenal in

Bettendorf, and he was chairman of the local tank-arsenal unit in Bettendorf.

Mr. Tavenner: You said "chairman," I believe.

Mr. Spencer: Maybe I should have said "president" of the local.

Mr. Tavenner: Were you acquainted with Joe Stern?

Mr. Spencer: Yes, I was.

Mr. Tavenner: What position did he hold in the union, if any.

Mr. Spencer: He did not hold any officer's job; he was an active member for a short while of the Farmall local, previous to their strike in 1946.

Mr. Tavenner: Did you serve on any committee with Ray Teeple and Joe Stern?

Mr. Spencer: Ray Teeple and Joe Stern and myself were the—I think you would call it—the top committee of the Quad City area.

Mr. Tavenner: Committee of what; in what organization?

Mr. Spencer: The Communist Party.

Mr. Tavenner: Therefore Joe Stern was a fellow Communist Party member?

Mr. Spencer: He was.

Mr. Tavenner: Were you acquainted with Olaf Leddel?

Mr. Spencer: Yes, sir; I was. And he was a member of the party.

Mr. Tavenner: How was he employed, do you know?

Mr. Spencer: He was a watchmaker and a watch repairer.

Mr. Tavenner: He was not affiliated with your union?

Mr. Spencer: No; he had a shop in his own home, where he repaired watches.

Mr. Tavenner: Were you acquainted with Theo Kruse?

Mr. Spencer: Yes, I have known her, and I knew her at that time.

Mr. Tavenner: Was she affiliated with the Communist Party?

Mr. Spencer: She was in one of the city branches, the Rock Island and Moline city group, they called it.

Mr. Tavenner: Now, you have mentioned, I believe, that you were recruited into the party by Ray Teeple?

Mr. Spencer: I was signed up in Ray Teeple's home, and I was recruited by Walter Rumsey, who was president of our local at the time.

Mr. Tavenner: In what connection did you mention John Wilson?

Mr. Spencer: I haven't mentioned John Wilson yet.

Mr. Tavenner: I thought in your testimony at the time you were recruited you mentioned a person by the name of Wilson.

Mr. Spencer: John Watkins; he approved my recruitment before I was admitted.

3741 Mr. Tavenner: Did you ever attend meetings in the home of John Watkins; Communist Party meetings?

Mr. Spencer: No.

Mr. Tavenner: Were you acquainted with Catherine Hall, the wife of John Watkins?

Mr. Spencer: Yes; she wasn't the wife of John Watkins at that time, though. She was working in the office, the district office of FE-CIO, in Rock Island, at the time.

Mr. Tavenner: Was she a member of the Communist Party?

Mr. Spencer: Well, she attended the meetings, and I never saw her card, but she would have had to have been or she couldn't attend the meetings.

Mr. Tavenner: Were you acquainted with John Wilson, and I mentioned the name a few moments ago.

Mr. Spencer: Yes.

Mr. Tavenner: How was he employed: do you know?

Mr. Spencer: The Red Jacket Pump Co. in Davenport at that time in 1944.

Mr. Tavenner: Was he a member of your union?

Mr. Spencer: No; I think the A. F. of L. represented them, and I am not sure, but I believe they represented the Red Jacket Pump Co.

Mr. Tavenner: Was he known to you as a member of the Communist Party?

Mr. Spencer: Yes.

Mr. Tavenner: Was he a member of your particular branch or cell?

Mr. Spencer: No; he was a member of the Davenport branch, the Iowa side of the river.

Mr. Tavenner: Were you acquainted with his wife, Mabel Wilson?

Mr. Spencer: Yes, I was.

Mr. Tavenner: What position did she hold?

Mr. Spencer: She was the secretary-treasurer, I believe, because she collected dues for a while, in 1944.

Mr. Tavenner: Dues in what organization?

Mr. Spencer: The Communist Party.

Mr. Tavenner: For what area did she cover in the collection of dues?

Mr. Spencer: At that time, the whole Quad City area, because that was the only organization within the Quad City area at that time. It was the Quad City branch or the Quad City group of the Iowa branch. You see, the tri-cities were taken in under the Iowa group.

Mr. Tavenner: Were you acquainted with Murray Levine?

Mr. Spencer: Yes, I was.

Mr. Tavenner: How was he employed?

Mr. Spencer: I am not sure, but I believe he was employed at the Birtman Electric.

Mr. Tavenner: Was he known to you as a member of the Communist Party?

Mr. Spencer: Yes.

Mr. Tavenner: What is the basis of your statement that he was a member?

Mr. Spencer: Because he attended all of the meetings, and he wouldn't have been allowed to attend unless he was a paid-up member.

3742 Mr. Tavenner: Were you acquainted with his wife, Sarah?

Mr. Spencer: Yes.

Mr. Tavenner: Was she a member of the party?

Mr. Spencer: She attended meetings, too, as a paid-up member.

Mr. Tavenner: Are you acquainted with Rex Wheelock?

Mr. Spencer: Yes.

Mr. Tavenner: How was he employed?

Mr. Spencer: He was the district representative of the

UE in the Quad City district, representing the Minneapolis Moline Power Implement Co., an electrical concern there in Moline, and Eagle Signal Co.

Mr. Tavenner: Was he a member of the Communist Party?

Mr. Spencer: Yes, he was.

Mr. Tavenner: Were you acquainted with Dorothy Hillyer?

Mr. Spencer: Yes, I was.

Mr. Tavenner: Was she a member of the Communist Party?

Mr. Spencer: She was.

Mr. Tavenner: John Milkovitch. What is the correct spelling of the name?

Mr. Spencer: I think it is Milkovich. I think it is M-i-l, I am not sure, k-o-v-i-t-c-h, I believe.

Mr. Tavenner: How was he employed?

Mr. Spencer: I believe he worked for the East Moline Harvester, the Harvester group of the IHC, with a factory in East Moline.

Mr. Tavenner: Was he known to you to be a member of the Communist Party?

Mr. Spencer: Yes, he was.

Mr. Tavenner: Donald Tieglund.

Mr. Spencer: Yes; he has attended meetings of the Communist Party.

Mr. Tavenner: Can you identify him further as to his occupation, or any position that he held?

Mr. Spencer: He worked in the East Moline works of Harvester and I believe he still works there.

Mr. Tavenner: Did he at any time during his party membership hold any political position?

3743 Mr. Spencer: He was State representative and I don't know just what term it was, it was during the war there, and he was elected to one term in the house of representatives at Springfield.

Mr. Tavenner: Harold Fisher.

Mr. Spencer: I knew him, yes.

Mr. Tavenner: Was he a member of the Communist Party to your knowledge?

Mr. Spencer: He was, he attended the meetings and I have never seen his card, or anything of that kind, but he attended closed meetings of the Communist Party.

Mr. Tavenner: Did you attend a meeting at the Sherman Hotel?

Mr. Spencer: Yes, I did.

Mr. Tavenner: In Chicago?

Mr. Spencer: Yes, I did.

Mr. Tavenner: What was the nature of the meeting?

Mr. Spencer: Well, it was a meeting to sort of iron out the difficulties between various labor unions and it was a sort of a let-your-hair-down and criticize the methods and sort of picking out the best arrangements in conducting strikes and bargaining.

Mr. Tavenner: What was the date of that meeting?

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3744 Mr. Tavenner: Do you know whether he was a member of the Communist Party?

Mr. Spencer: I do not know positively, and I never saw his membership card, but I feel certain he would not have been at that meeting if he had not been, because they were very careful who attended.

Mr. Moulder: How did they identify themselves? You say they were very careful, and how did they check on them?

Mr. Spencer: You didn't get in unless somebody that knew you very well, and recommended you to the group.

Mr. Moulder: You mean at the door?

Mr. Spencer: Yes.

Mr. Moulder: Did they have a doorman?

3745 Mr. Spencer: Yes, there was a man at the door, and also they were told that they could attend, and I was told about 5 minutes before the meeting.

Mr. Moulder: Did you have to identify yourself with a Communist card of some method in order to be admitted?

Mr. Spencer: No; they just said he is a good fellow, we can let him in on this meeting.

Mr. Tavenner: Will you name other persons who were present and took part in that meeting?

Mr. Spencer: Grant Oakes was present and Jerry Fielde, and John Watkins.

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Mr. Velde: The same is true of Grant Oakes? You saw him?

Mr. Spencer: Yes; I saw him. And Walter Rumsey and Morrie Childs.

Mr. Velde: Is that Morris Childs?

Mr. Spencer: It might be; they call him Morrie. They called him Morrie at the meeting.

Mr. Velde: It is a matter of public knowledge, Mr. Chairman, that Morris Childs was organizational director for the Communist Party of the State of Illinois. Did he belong to any union that was represented at that meeting?

Mr. Spencer: I don't know as he did, and I didn't know him as a union member, I will put it that way.

Mr. Tavenner: Let me see if you can recall the names of any others.

Mr. Spencer: Well, I was told that a man by the name of Sorensen was there, and Ernie DeMaio.

Mr. Tavenner: Ernest DeMaio?

Mr. Spencer: They were identified as such to me, and I don't know them, I don't know the men personally.

Mr. Tavenner: Do you recall whether John Watkins was there?

Mr. Spencer: Yes; I named him as being there.

Mr. Tavenner: You did name him?

Mr. Spencer: Yes.

Mr. Tavenner: Those are all that you can recall?

Mr. Spencer: Right at the present time, that is all that I can recall.

3746 Mr. Tavenner: Well, Ernest DeMaio was an organizer within the UE.

Mr. Spencer: I believe he was at that time.

Mr. Spencer: Yes, he was, I was told, he was identified to me as being present and I don't know the man.

Mr. Tavenner: Did you attend any other meetings at the Sherman Hotel?

Mr. Spencer: Yes, I was called into Chicago to attend a meeting at the Sherman Hotel in 1944, in the fall, and Walter Rumsey was called too, but he didn't make the trip, and I was told to be at the Sherman Hotel.

3747 Mr. Velde: What is your opinion of how he was notified?

Mr. Spencer: I think John Watkins approved of us being there or we wouldn't have been there.

HEARING BEFORE THE COMMITTEE ON UN-AMERICAN ACTIVITIES
HOUSE OF REPRESENTATIVE—83rd CONGRESS 1st SESS.
(1953)

Communist Methods of Infiltration (Education—Part 2)

Mr. Velde . . .

"In relation to the appearance of Abraham Glasser, professor in the Rutgers University School of Law, the committee wishes to acknowledge and express its appreciation to Rutgers University and its officials for the excellent cooperation it has extended the committee. The committee wishes to state that it hopes that the excellent spirit of cooperation exhibited by this outstanding university might serve as a model to other colleges and other universities in the United States. There has been no implication nor misunderstanding that the committee, in hearing Mr. Glasser, has in any manner instituted or conducted any investigation of Rutgers University. (p. 221)

H. REP. NO. 2, 76TH CONG., 1ST SESS., 13 (1939)

"While Congress does not have the power to deny to citizens the right to believe in, teach, or advocate communism, fascism, and nazism, it does have the right to focus the spotlight of publicity upon their activities."

H. REP. NO. 1476, 76TH CONG., 3D SESS., 1, 3, 24 (1940)

"... Investigation to inform the American people . . . is the real purpose of the House Committee . . . The committee conceives its principal task to have been the revelation of the attempts now being made by extreme groups in this country to deceive the great mass of earnest and devoted American citizens . . . The purpose of this committee is the task of protecting our constitutional democracy by . . . pitiless publicity . . ."

H. REP. NO. 1, 77TH CONG., 1ST SESS., 24 (1941)

"This committee is the only agency of Government that has the power of exposure . . . There are many phases of un-American activities that cannot be reached by legislation or administrative action."

DEFTS. EXHIBIT No. 8 (ident.)

Filed July 18, 1955, Harry M. Hull, Clerk

83 CONG. REC. 7570 (1938), May 26, 1938

Mr. Dies: "I am not in a position to say whether we can legislate effectively in reference to this matter, but I do know that exposure in a democracy of subversive activities is the most effective weapon we have in our possession."

92 CONG. REC. 3767 (1946), April 16, 1946

Mr. Mundt: "The country might as well be told first as last that our committee is in this fight to expose un-American activities to the finish. By your votes today we ask you to give evidence of your support."

CONG. REC. Vol. 91, Part 1, 79th Cong., 1st Sess. January 16, 1945 (Page 275)

Mr. Rankin: * * * I realize that the eyes of the Nation will constantly be upon every member of that committee.

I realize that the eyes of the young men who are fighting and dying on foreign soil for this great Republic of ours, for this great constitutional government, for American institutions, and for the American way of life, are on us now, and will be at all times upon every member of this committee.

I serve notice on the Un-American elements in this country now that this "grand jury" will be in session to investigate Un-American activities at all times.

CONG. REC. Vol. 92, Part 4, 79th Cong., 2nd Sess. May 17, 1946 (Page 5217)

Mr. Mundt: Our task—to which you Members of this House assigned us—is to seek out and to expose those activities which altogether legal are none the less un-American, subversive, and contrary to the American concept.

100 CONG. REC., Daily Issue, July 27, 1954 (Page 11589).

Mr. Gross: Mr. Chairman, in conclusion I submit the fol-

lowing report from the House Un-American Activities Committee:

[Information from the files of the Committee on Un-American Activities, United States House of Representatives]

May 24, 1954.

For: Honorable H. R. Gross
Subject: Herman F. Reissig

99 Cong. Rec. page 1985—March 16, 1953

Mr. Moulder . . .

"The Committee on Un-American Activities has and will continue to expose communism. It has an excellent record of public service in exposing and warning the American people of the evils of communism, and we must not permit baseless propaganda to injure the work of the committee."

99 Cong. Rec. page 2019—March 17, 1953

Mr. Jackson . . .

"The work of the House Committee on Un-American Activities is one designed to give the American people a continuing picture of the Communist Party at work; to expose its propaganda efforts, and to inform citizens of organizations and individuals dedicated to the destruction of the American Republic. Its investigations are confidential only to the extent necessary to determine facts. Its hearings are public, open to all informational media, and its millions of publications go directly to the people of this Nation."

99 Cong. Rec. page 2130—March 19, 1953

Mr. Velde . . .

"No. 1. Demands and requests that an investigation be made of individual Communists in the religious field. To these loyal and sincere citizens, may I say that I feel Communists should and will be ferreted out and reported to the Congress and to the people, wherever they may be found."

99 Cong. Rec., page 1371—February 24, 1953

"Mr. Jackson: Mr. Speaker, during the past 3 years, the Committee on Un-American Activities, of which I am a member, has been conducting an investigation into the extent of Communist infiltration of the Hollywood motion-picture industry. During this period, the committee has exposed several hundred persons who were employed in the motion-picture industry and who were or are members of the Communist Party."

99 Cong. Rec., page 1820—March 10, 1953

STATEMENT BY REPRESENTATIVE CLYDE DOYLE, OF CALIFORNIA,
MEMBER OF ARMED SERVICES COMMITTEE AND HOUSE UN-
AMERICAN ACTIVITIES COMMITTEE.

However, the activities of all subversive individuals and groups must be exposed at the earliest possible date to public knowledge and spotlight.

99 Cong. Rec., page 1640—March 5, 1953

Mr. Doyle . . .

"Mr. Speaker, this is what the jury in Los Angeles and in these other cities had found these conspiratorial, totalitarian, unpatriotic, hypocritical, dangerous, ungrateful citizens to be guilty of. This is the sort of people in our Nation whom I, as a member of the Un-American Activities Committee, am primarily interested in uncovering to the light of day with their dastardly conceived plans against our American freedoms."

99 Cong. Rec., page 1360—February 24, 1953

Mr. Jackson . . .

We are interested instead in finding out who the Communists are and what they are doing to further the Communist conspiracy.

Mr. Kearney . . .

We agree with that and we are going to find the Communists in education and elsewhere throughout this country, if this body will go along and give us the funds we need to do the job.

99 Cong. Rec., page 1359—February 24, 1953

“Mr. Kearney: . . .

Let me say this to the gentleman that this committee was constituted to seek out communism, no matter where it be, in this country, and that is what we are going to do.

1954 Cong. Record—House—Feb. 25

2171 It is our hope that through the continued efforts of this committee we will be able to find other people who have been gnawing at the vitals of our beloved Republic to the end that they, too, may discover the effectiveness of the Smith Act.

2172 Mr. Velde: . . .

The Congress will certainly recognize that it has given a very broad mandate to the committee to investigate subversive propaganda and activities. I can say with pride that the committee has confined itself well within the limits of this mandate. The committee has investigated individuals and not groups. It has found that these individuals have been in many varied groups and occupations within the United States. The committee has, however, made no study of the various groups which these individuals have infiltrated. There has been no investigation of education, religion, labor, or any other field, but there were individuals named by witnesses before the committee who are associated with these fields.

Even though the Communist Party in the United States has to a great extent gone underground, the House Committee on Un-American Activities, during the past year, 2173 received from witnesses the identification of more than a thousand individuals who had been members of the Communist Party, and again I should like to point out that these identifications have been made public and, with but one exception, none have come forward and denied that they have been members of the Communist Party.

Mr. Velde: That is the distinction that I made between it and the FBI. The work of the two is in no way comparable. The chief point of differences is the fact that the FBI cannot because of the secret nature of its work make any of the information relative to subversion public unless it is in a

criminal case, whereas our Committee on Un-American Activities can make public the information that it obtains.

Mr. Walter: I think the gentleman is overlooking one very important fact, namely, that the Committee on Un-American Activities has a very large library, and it furnishes to various Government agencies information that those agencies have not obtained. That is true even of the FBI. So that a large part of the money appropriated to the Committee on Un-American Activities is expended for filing clerks who are engaged in the preparation of this very large library.

2174 Mr. Doyle: . . .

This is no time to economize—not a nickel's worth—in the field of exposing subversive activities wherever they are in my judgment.

2175 Furthermore, there is no time like the immediate present to help uncover and expose to the daylight or patriotic American citizens those who continue directly or indirectly as active members or participate in the Communist conspiracy to eventually overthrow the constitutional form of Government of our beloved Nation by force and violence.

Schedule D

DEFTS. EXHIBIT No. 9 (ident.)

Filed July 18, 1955, Harry M. Hull, Clerk

Schedule D consists of articles from the New York TIMES of the following dates:

February 9, 1953. February 12, 1953. February 19, 1953. February 26, 1953. March 13, 1953. March 20, 1953. May 21, 1953. July 4, 1953. July 8, 1953. July 24, 1953. October 29, 1953. January 28, 1954. February 7, 1954. May 15, 1954. June 16, 1954. June 18, 1954. July

16, 1954. September 19, 1954 and Washington Daily News for November 19, 1954.

The New York Times, February 9, 1953—9:1

Philadelphia, Feb. 8 (AP)—Representative Harold H. Velde, Republican of Illinois, chairman of the House Un-American Activities Committee, said today "it's a lot better to wrongly accuse one person of being a Communist than to allow so many to get away with such Communist acts as those that have brought us to the brink of World War III."

The New York Times, February 12, 1953.

Washington, Feb. 11—The Senate group, Mr. Velde said, is searching for "organized" communistic activity in the educational system and dealing with institutions. His committee will continue to concentrate upon "individual members of the Communist party who in the past and possibly at the present time, are engaged in the field of education."

NEW YORK TIMES 1953

February 19, 1953—Page 10

Washington, February 18.— * * * He also announced that despite "scattered" protests by educators, college administrators generally had cooperated. He insisted the committee was not investigating education but was interested only in "tracking down individual communists in the education field."

THE NEW YORK TIMES

Thursday, February 26, 1953—Page 16

Washington, February 25.— * * * The House Committee, headed by Representative Harold H. Velde, Republican of Illinois, appeared to be highly conscious of criticism in it. In an opening statement, Mr. Velde insisted that the investigation was no different from preceding inquiries into

labor unions and other areas. He emphasized that the committee was not seeking to investigate institutions as such, but to ferret out communists operating within them.

THE NEW YORK TIMES

Friday, March 13, 1953—12:5

Washington, March 12—* * * In confirming the committee's action, Mr. Velde declared:

"I never did propose an investigation of the clergy nor did I propose an investigation of churches. We are interested in investigating individual Communists—whether they be found in education, in labor, in the clergy or in the legal profession."

THE NEW YORK TIMES

Friday, March 20, 1953—11:3 at 4

Mr. Velde * * * referred also to another controversial inquiry; that of communism in schools, and said he was not investigating the institutions but individual members of their faculty.

NEW YORK TIMES

Thursday, May 21, 1953—Page 20

Washington, May 20 (UP)—The House Un-American Activities Committee said to day it had decided to make no changes in its methods of ferreting out Communists wherever it found them.

THE NEW YORK TIMES

Saturday, July 4, 1953—1:6 at 4:7

Representative Velde, the committee chairman, was non-committal on this development, which had been view in some Congressional quarters as the start of an inquiry such as Mr. Velde had said was "a possibility," although he had insisted that he meant no investigation of churches or religions.

Asked what his position was, Mr. Velde said: "We are seeking the identification of Communists, former Communists and those who now sympathize with communism or have in the past, regardless of the field in which they operate."

THE NEW YORK TIMES

Wednesday, July 8, 1953—13:1 at 2

Mr. Clardy said the committee was not investigating or attacking the clergy or the churches or religion but was trying to expose Communists in any field, "whether in the clergy or in my own [the law] or any other group."

THE NEW YORK TIMES

Friday, July 24, 1953—8:4

Washington, July 23—* * * "It was the sense of the committee that it is not to be inferred by anyone that this was an initiation of an investigation in the field of religion. It is in keeping with the committee's policy to investigate individual Communists or members of Communist front groups wherever they might be found."

THE NEW YORK TIMES

Thursday, October 29, 1953—22:4

Washington, Oct. 28—* * * Representative Harold V. Velde, Republican of Illinois, who heads the committee, said the hearings scheduled for Nov. 16 and 17 would "deal exclusively with individual teachers in the Philadelphia area who have been identified as present or past members of the Communist party."

THE NEW YORK TIMES

Thursday, January 28, 1954—1:4 at 16:5

The House Un-American Activities Committee moved into the picture this afternoon. Its chairman Harold H. Velde, Illinois Republican, suggested that the V.F.W.

supply names of suspected Communists to the committee as well as to the F.B.I.

"We welcome the cooperation of such patriotic organizations," he declared.

The New York Times, Sunday, February 7, 1954. 16.6.

Washington, Feb. 6 (AP)—The House Un-American Activities Committee said today it had deleted the Consumers' Union from the list of organizations it describes as subversive.

It invited other organizations to take steps similar to those it said were taken by the Consumers' Union to obtain clearance. It did not state what the steps were.

The committee devoted a part of its annual report to the Consumers' Union. The organization publishes Consumer Reports which carries articles on the quality of products for the guidance of buyers.

The committee said it cited the Consumers' Union in 1944 on the basis of information in committee records. It said the organization initiated steps "to clarify the situation."

The New York Times, May 15, 1954—9:8.

2 OUSTED FROM JOBS

WORKERS FORCE BALKY RED INQUIRY WITNESSES TO QUIT

Flint, Mich., May 14 (AP)—Irate fellow-factory workers today forced two "Fifth Amendment" Congressional subcommittee witnesses to quit their jobs.

At least 500 workers at Buick's Dynaflo plant escorted Howard I. Falk to the factory gate. At the Chevrolet plant, a spontaneous sitdown strike ended with the dismissal of Marvin M. Engel.

Both Mr. Falk and Mr. Engel had refused to answer questions yesterday before a House of Representatives Un-American Activities subcommittee investigating Communist infiltration of Flint auto plants.

Under the Fifth Amendment, a witness is not compelled to give incriminating evidence against himself in a criminal case.

13:3—The New York Times, Wednesday, June 16, 1954.

Seattle, June 15— * * * During her second day in the witness chair before six Representatives, headed by the chairman, Representative Harold H. Velde, Republican of Illinois, Mrs. Hartle gave the names of more than fifty additional persons whom she declared she knew to be Communist.

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11:5—The New York Times, Friday, June 18, 1954.

Seattle, June 17— * * * Mrs. Hartle has named in four days about 450 persons she declares she knew as Communists and her testimony is to continue. * * *

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The New York Times, July 16, 1954—7:1.

Washington, July 15 (UP)— * * * The witnesses today, like five who appeared yesterday, refused to tell the House Committee on Un-American Activities whether they were or had been Communists. All invoked the Fifth Amendment to the Constitution, which says no one can be forced to testify against himself.

Two of the witnesses, Ray I. Pinkson, 42 years old, an electrician, and Victor Fleischer, an auto mechanic, are Russian born. A third, William Shonick, a piano tuner, was born in Poland. A threat of possible deportation for refusal to answer was raised against them.

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The New York Times, Sunday, September 19, 1954. 37-1

Washington, Sept. 18— * * * The patriot-critics, the report implied, largely had been either uninformed or misinformed. Many, it held, had become innocent and effective stooges to aid the Communist conspiracy. The committee stated it hoped to enlighten them.

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Since 1948, the report stated, the committee has obtained "positive" identifications of 4,151 persons who had been

Communist party members. Not more than two responded to refute the charge and changed previous testimony to a point prompting citation for perjury.

The Washington Daily News, Friday, November 19, 1954.

JOHN Q. WILL BE INVITED TO HEARINGS

Rep. Francis E. Walter (D., Pa.), who will take charge in the new Congress of House activities against communists and their sympathizers, has a new plan for driving Reds out of important industries.

He said today he plans to hold large public hearings in industrial communities where subversives are known to be operating, and to give known or suspected commies a chance in a full glare of publicity to deny or affirm their connection with a revolutionary conspiracy—or to take shelter behind constitutional amendments.

By this means, he said, active communists will be exposed before their neighbors and fellow workers, "and I have every confidence that the loyal Americans who work with them will do the rest of the job."

INVITE PUBLIC

Hearings of a similar nature have been held in local areas, but Rep. Walter wants to make them bigger, with the public being urged as well as invited to attend.

"We will force these people we know to be communists to appear by the power of subpoena," Rep. Walter said, "and will demonstrate to their fellow workers that they are part of a foreign conspiracy."

[fol. 175]

[File endorsement omitted]

IN UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF
COLUMBIA CIRCUIT

No. 12,797

JOHN T. WATKINS, Appellant.

v.

UNITED STATES OF AMERICA, Appellee

On Rehearing. En Banc

Mr. Joseph L. Rauh, Jr., with whom *Mrs. Norma Zarky* and *Messrs. Daniel H. Pollitt* and *Sidney S. Sachs* were on the brief, for appellant.

Mr. John L. Lane, Assistant United States Attorney, with whom *Messrs. Leo A. Rover*, United States Attorney, and *Lewis Carroll* and *William Hitz*, Assistant United States Attorneys, were on the brief, for appellee.

Before Edgerton, Chief Judge, and Prettyman, Wilbur K. Miller, Bazelon, Fahy, Washington, Danaher and Bastian, Circuit Judges.

OPINION—Decided April 23rd, 1956

BASTIAN, Circuit Judge: On May 11, 1954, the House of Representatives voted a contempt citation against appellant and on November 22, 1954, he was indicted under 2 U.S.C. § 192 on seven counts for refusal to answer questions of a subcommittee of the Committee on Un-American Activities as to whether some twenty-nine or thirty named persons had been members of the Communist Party. Having waived his right to trial by jury, appellant was found guilty in the District Court on all counts. He was fined [fol. 176] five hundred dollars; execution of a one-year jail term was suspended and appellant was placed on probation. This appeal followed.

Appellant had been named as a member of the Communist Party for the period 1943-1946 by one Donald O. Spencer, who testified before the Committee in a hearing in Chicago

in September 1952. Appellant was identified again as a member of the Communist Party in the early 1940's by one Walter Rumsey, who appeared before the Committee in March 1954.

In his appearance before the Committee, appellant answered questions concerning himself. He admitted cooperating with the Communist Party from 1942 to 1946 and answered concerning the extent of this cooperation. He denied past or present membership in the Communist Party and reiterated these denials specifically with respect to the details of both Spencer's and Rumsey's testimony about him. In the course of this questioning, the following occurred:

[Joint Appendix, at 84, 85]

"Mr. Kunzig: Now, I have here a list of names of people, all of whom were identified as Communist Party members by Mr. Rumsey during his recent testimony in Chicago. I am asking you first whether you know these people. My first question: Warner Betterson?"

Watkins said he did not know the first three persons named. Then he was asked about a Harold Fisher, whom he knew, and the following ensued [*id.* at 85, 86]:

"Mr. Watkins: Mr. Chairman, in regard to that question, I would like to make a very brief statement I prepared in anticipation of this answer.

"Mr. Velde: You may proceed.

"Mr. Watkins: Thank you. I would like to get one thing perfectly clear, Mr. Chairman. I am not going to plead the fifth amendment, but I refuse to answer certain questions that I believe are outside the proper scope of your committee's activities. I will answer any [fol. 177] questions which this committee puts to me about myself. I will also answer questions about those persons whom I knew to be members of the Communist Party and whom I believe still are. I will not, however, answer any questions with respect to others with whom I associated in the past. I do not believe that any law in this country requires me to testify about persons who may in the past have been Communist Party mem-

bers or otherwise engaged in Communist Party activity *but who to my best knowledge and belief have long since removed themselves from the Communist movement.*

"I do not believe that such questions are relevant to the work of this committee nor do I believe that this committee has the right to undertake the public exposure of persons because of their past activities. I may be wrong, and the committee may have this power; but until and unless a court of law so holds and directs me to answer, I most firmly refuse to discuss the political activities of my past associates.

"Mr. Kunzig: And I went to get this clear for the record. You are not in any way raising the fifth amendment?

"Mr. Watkins: I am not.

"Mr. Kunzig: But you are refusing to answer the question I have just asked you?

"Mr. Watkins: Based upon the statement just read, yes.

"Mr. Kunzig: And you, of course, have advice of counsel. He is sitting right next to you at this moment and you just conferred with him, is that correct?

"Mr. Watkins: That is correct.

"Mr. Scherer: Mr. Chairman, I ask that you direct the witness to answer.

"Mr. Velde: Yes. *This committee is set up by the House of Representatives to investigate subversion and subversive propaganda and to report to the House of Representatives for the purpose of remedial legislation.*

"The House of Representatives has by a very clear majority, a very large majority, directed us to engage in that type of work, and so we do, as a committee of [fol. 178] the House of Representatives, have the authority, the jurisdiction, to ask you concerning your activities in the Communist Party, concerning your knowledge of any other persons who are members of the Communist Party or who have been members of the Communist Party, and so, Mr. Watkins, you are directed to answer the question propounded to you by counsel.

"Now, do you remember the question that was propounded to you?"

"Mr. Watkins: I remember the question, Mr. Chairman, and I have read my answer which, among other things, states that your committee may have this power, and I stand on my statement."

[Emphasis supplied.]

Similar refusals and directions to answer followed and, like those previously described in appellant's testimony with regard to Fisher, they became the subject of the various counts of the indictment. In all, appellant refused to answer, although directed to do so, with respect to approximately thirty persons.

Appellant argues that the trial court erred in failing to grant his motion to dismiss the indictment or for acquittal. He says the Committee was exceeding its constitutional powers as a congressional investigating committee; that 2 U.S.C. § 192, read together with the Committee's authorizing resolution, was so vague and indefinite as to deprive appellant of due process of law; and that the First Amendment protected appellant against being forced to answer the particular questions asked him.

We must delimit the question before us. A majority of the court is of opinion that Congress has power to investigate the history of the Communist Party and to ask the questions Watkins refused to answer. It would be quite in order for Congress to authorize a committee to investigate the rate of growth or decline of the Communist Party, and so its numerical strength at various times, as part of an inquiry into the extent of the menace it poses and the [fol. 179] legislative means that may be appropriate for dealing with that menace. Inquiry whether thirty persons were Communists between 1942 and 1947 would be pertinent to such an investigation. The questions asked Watkins could be asked for a valid legislative purpose.

The precise question upon which the decision must rest is a narrow one. It is whether the act authorized the Committee to ask the questions asked Watkins, in the particular context in which the Committee propounded them, and whether the Committee's purpose in asking the questions was a valid legislative purpose. A majority of the court is

of opinion that the questions were pertinent to a valid legislative purpose and were authorized by the act.

According to the Legislative Reorganization Act of 1946 (60 Stat. 812, at 822, 823),¹ the Committee on Un-American Activities is one of several standing committees elected by the House of Representatives. The act sets forth in no uncertain terms the subject and scope of inquiry intrusted to this Committee. It provides [*id.* at 828]:

“(A) Un-American activities.

“(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.”

[fol. 180] In March 1954, the Committee conducted hearings in Chicago. At their commencement the chairman expressed the purpose of the hearings. It was to investigate, for a definite legislative purpose, communist infiltration into labor unions. The chairman stated [Joint Appendix, at 43, 44]:

“Mr. Velde: The committee will be in order. I should like to make an opening statement regarding our work here in the city of Chicago. The Congress of the United States, realizing that there are individuals and elements in this country whose aim it is to subvert our constitutional form of government, has established the House Committee on Un-American Activities. In establishing this committee, the Congress has directed that we must investigate and hold hearings, either by the full committee or by a subcommittee, to ascertain the extent

¹ See H.R. Res. No. 5, 83d Cong., 1st Sess. (1953) adopting provisions of the Legislative Reorganization Act as rules of the 83d Congress.

and success of subversive activities directed against the United States.

"On the basis of these investigations and hearings, the Committee on Un-American Activities reports its findings to the Congress and makes recommendations from these investigations and hearings for new legislation. As a result of this committee's investigations and hearings, the Internal Security Act of 1950 was enacted.

"Over the past fifteen years this committee has been in existence, both as a special and permanent committee, it has made forty-seven recommendations to the Congress to insure proper security against subversion. I am proud to be able to state that of these forty-seven recommendations, all but eight have been acted upon in one way or another. Among these recommendations which the Congress has not acted upon are those which provide that witnesses appearing before congressional committees be granted immunity from prosecution on the information they furnish.

"The committee has also recommended that evidence secured from confidential devices be admissible in cases involving the national security. The executive branch [fol. 181] of Government has now also asked the Congress for such legislation. A study is now being made of various bills dealing with this matter.

"The Congress has also referred to the House Committee on Un-American Activities a bill which would amend the National Security Act of 1950. This bill, if enacted into law, would provide that the Subversive Activities Control Board should, after suitable hearings and procedures, be empowered to find if certain labor organizations are in fact Communist-controlled action groups. Following this action, such labor groups would not have available the use of the National Labor Relations Board as they now have under the provisions of the Labor-Management Relations Act of 1947.

"During the first session of this 83rd Congress, the House Un-American Activities Committee has held hearings in Los Angeles and San Francisco, California; Albany and New York City, New York; Philadelphia, Pennsylvania, and Columbus, Ohio. We are here in

Chicago, Illinois, realizing that this is the center of the great mid-western area of the United States.

"It cannot be said that subversive infiltration has had a greater nor a lesser success in infiltrating this important area. The hearings today are the culmination of an investigation that has been conducted by the committee's competent staff and is a part of the committee's intention for holding hearings in various parts of the country.

"The committee has found that by conducting its investigations and holding hearings in various parts of the country, it has been able to secure a fuller and more comprehensive picture of subversive efforts throughout our nation. Every witness who has been subpoenaed to appear before the committee here in Chicago, as in all hearings conducted by this committee, are known to possess information which will assist the committee in performing its directed function to the Congress of the United States." [Emphasis supplied.]

Later, in April of the same year, at a continuation of the March hearings, the chairman, upon calling the committee to order, announced, just prior to the swearing of appellant (*id.* at 70):

"Mr. Velde: The Committee will be in order.

"Let the record show that I have appointed as a subcommittee for the purposes of this hearing Mr. Scherer, Mr. Moulder, Mr. Frazier, and myself as chairman.

"The hearing this morning is a continuation of the hearings which were held in Chicago recently by a subcommittee composed of Mr. Scherer, Mr. Moulder, and myself. At that time two witnesses were unavailable, at least the committee staff were unable to find these two witnesses to issue a subpoena for them. Subsequent to that time I believe that these witnesses have been subpoenaed, so we will proceed, Mr. Counsel, at the present time with the witnesses."

In other words, the purpose of the Committee's hearing was to aid it [the Committee] in its study of a proposed amendment to the Internal Security Act of 1950.

That amendment was in fact enacted into law four months after appellant's refusal to testify.² It made unavailable to labor unions found to be communist-infiltrated procedures established in the Labor-Management Relations Act of 1947. This is a proper example of the exercise of a legitimate legislative purpose.

This court's decision in *Barsky v. United States*, 83 U.S. App. D.C. 127, 167 F.2d 241, cert. denied, 334 U.S. 843 (1948), as well as the decisions in *United States v. Josephson*, 165 F.2d 82 (2d Cir. 1947), cert. denied, 333 U.S. 838 (1948), and *Dennis v. United States*, 339 U.S. 162 (1950), [fol. 183] read in the light of *Sinclair v. United States*, 279 U.S. 263 (1929), establishes that the contempt statute, 2 U.S.C. § 192, when read together with the Committee's authorizing resolution is not so vague or indefinite as to be invalid.

With respect to appellant's claimed protection under the First Amendment, we refer to the *Barsky* case, *supra*, where this court indicated that, having power to inquire into the subject of communism and the Communist Party, Congress has the authority to identify individuals who believe in communism and those who belong to the Party, since the nature and scope of the program and activities of the Communist Party depend in large measure on the character and number of its adherents. In *Barsky* we said [167 F.2d, at 246]:

"If Congress has power to inquire into the subjects of Communism and the Communist Party, it has power to identify the individuals who believe in Communism and those who belong to the party. The nature and scope of the program and activities depend in large measure upon the character and number of their adherents. Personnel is part of the subject. Moreover, the accuracy of the information obtained depends in

² The Communist Control Act of 1954 was passed in August 1954 (68 Stat. 775, 50 U.S.C. § 841 (Supp. 1955)). This contained, among other things, amendments to the Internal Security Act of 1950 and had to do, in part at least, with infiltration by communists into labor unions. Other changes having to do with communist infiltration into organizations were also included.

large part upon the knowledge and the attitude of the witness, whether present before the Committee or represented by the testimony of another. We note at this point that the arguments directed to the invalidity of this inquiry under the First Amendment would apply to an inquiry directed to another person as well as to one directed to the individual himself. . . ."

And at p. 247 we said:

"Moreover, that the governmental ideology described as Communism and held by the Communist Party is antithetical to the principles which underlie the form of government incorporated in the Federal Constitution and guaranteed by it to the States, is explicit in the basic documents of the two systems; and the view that the former is a potential menace to the latter is held by [fol. 184] sufficiently respectable authorities, both judicial and lay, to justify Congressional inquiry into the subject. In fact, the recitations in the opinion of the Supreme Court in *Schneiderman v. United States*, 1943, 320 U.S. 118, 63 S.Ct. 1333, 87 L.Ed. 1796, are sufficient to justify inquiry. To remain uninformed upon a subject thus represented would be a failure in Congressional responsibility."

Congress has before it the important duty to legislate effectively, but at the same time wisely, upon the problems posed by the world communist movement. It cannot perform that duty without information. It ought not try to perform it without information. We think the Act authorized an inquiry into infiltration by communists into labor unions and that this inquiry was such an inquiry. The face of the Act seems to us to speak for itself. The inquiry here is likewise plain on its face. It was whether certain persons, members of the union, were indeed communists. The inquiry was specific. It seems to us it was directly part of the inquiry the Committee was directed to make.

Points four and five of appellant's statement of errors can be combined for our purposes here. He says the Committee asserted an independent power of exposure. Congress has power of exposure if the exposure is incident to the exercise of a legislative function. Congress certainly

has the power of inquiry or of investigation when the inquiry or investigation is upon a subject concerning which Congress may legislate. The fact that such an inquiry or investigation may reveal something or "expose" something is incidental and without effect upon the validity of the inquiry.

Appellant would have us judge the present controversy upon the basis of speeches made by members of Congress and others, and upon newspaper articles, etc. We cannot do so. Such material is not evidence. The question is an individual one, whether the inquiry is indeed pertinent to a valid legislative purpose. It cannot be solved by general-[fol.185] ities culled from speeches—many of them no doubt partially extemporaneous—or from partisan assailants, critics, friends or defenders of some project or cause. Moreover, even if the unbridled power of exposure were claimed by some members of Congress, the claim would not establish its use in any particular inquiry. We must judge each inquiry in its own setting and upon its own facts.

Appellant cites many authorities, beginning with *Kilbourn v. Thompson*, 103 U.S. 168, to the effect that Congress does not possess the general power of making inquiry into the private affairs of citizens. This point needs no additional exploration. The inquiry here had to do with a valid legislative purpose.

In *Young v. United States*, 212 F.2d 236, cert. denied, 347 U.S. 1015. (1954), this court pointed out that a committee, holding a hearing to substantiate an earlier report pertinent to legislation pending before the Congress, was engaged in a legislative function and its competency was not subject to question in a subsequent prosecution. Further in that case we indicated that this legislative purpose for which the subcommittee had convened was not vitiated by the incidental desire of the subcommittee to give interested parties a chance to reply to statements made in such report.

Having volunteered an attack on the credibility of a prior witness, appellant could not later refuse to answer questions concerning Communist Party membership of other union associates of appellant and of the prior witness on the ground that this particular phase of testimony was beyond the scope of the Committee's investigating power.

Indeed, an inquiry may not only be detailed when credibility is involved but "a legislative inquiry may be as broad, as searching, and as exhaustive as is necessary to make effective the constitutional powers of Congress." Cf. [fol. 186] *Townsend v. United States*, 68 App.D.C. 223, 95 F.2d 352, cert. denied, 303 U.S. 664 (1938).

We have examined appellant's other points urged on this appeal and find no error.

The judgment of the District Court is

Affirmed.

Circuit Judge BURGER, who took office after the hearing and consideration of this case, took no part in its decision. [fol. 187] / EDGERTON, *Chief Judge*, with whom BAZELON, *Circuit Judge*, joins, *dissenting*:* The appellant has been convicted of refusing to answer certain questions before a subcommittee¹ of the Committee of the House of Representatives on Un-American Activities. He told the Committee he had cooperated with the Communist Party from 1942 to 1947. He did not plead the Fifth Amendment. Asked whether he knew certain persons as Communists, he answered freely concerning all whom he believed to be Communists at the time of the hearing. He refused to answer concerning other persons. As the District Court said in sentencing him, he did not "attempt to impede the committee in any respect, other than his refusal to answer questions dealing with persons who, to use his words, 'may in the past have been Communist Party members or otherwise engaged in Communist activities, but who to my best knowledge and belief have long since removed themselves from the Communist movement.' " We have to decide whether his refusal to expose their past history was a crime.

Since 1953 he has been a United Automobile Workers organizer. From 1935 to 1953 he was employed by the In-

* This opinion is nearly identical with one which, as the majority of a division of the court, we filed January 26, 1956; and which was superseded when a rehearing *in banc* was ordered.

¹ We shall call the subcommittee the Committee.

ternational Harvester Company at East Moline, Illinois, but from 1942 to 1953 he was on leave and worked for the Farm Equipment Workers, CIO, and its successor. At a hearing of the Committee in 1952, one Spencer named him as having been a member of the Communist Party between 1943 and 1946. At a hearing of the Committee in Chicago in March 1954, one Rumsey testified that in 1942 or 1943 Watkins recruited him into the Party and collected his Party dues.

[fol. 188] In April 1954, in response to a subpoena, Watkins appeared and testified before the Committee in Washington. He said: "I am not now nor have I ever been a card-carrying member of the Communist Party. Rumsey was wrong when he said I had recruited him into the party, that I had received his dues . . . Spencer was wrong when he termed any meetings which I attended as closed Communist Party meetings.

"I would like to make it clear that for a period of time from approximately 1942 to 1947 I cooperated with the Communist Party and participated in Communist activities to such a degree that some persons may honestly believe that I was a member of the Party. I have made contributions upon occasions to Communist causes. I have signed petitions for Communist causes. I attended caucuses at an FE convention at which Communist Party officials were present. Since I freely cooperated with the Communist Party I have no motive for making the distinction between cooperation and membership except the simple fact that it is the truth. I never carried a Communist Party card. I never accepted discipline and indeed on several occasions I opposed their position.

"In a special convention held in the summer of 1947 I led the fight for compliance with the Taft-Hartley Act by the FE-CIO International Union. This fight became so bitter that it ended any possibility of future cooperation."

He was asked: ". . . with whom did you participate in the Communist Party in [its] activities . . .?" He named several people. Mr. Kunzig, Committee counsel, said: "Now, I have here a list of names of people, all of whom were identified as Communist Party members by Mr. Rumsey during his recent testimony in Chicago. I am asking you first whether you know these people." He did not

know the first three. He knew the fourth, who was Spencer, [fol. 189] and the fifth, one Harold Fisher. He was asked, "Do you know Harold Fisher to be a member of the Communist Party?"² He consulted his counsel and then read this statement to the Committee: "I would like to get one thing perfectly clear, Mr. Chairman. I am not going to plead the fifth amendment, but I refuse to answer certain questions that I believe are outside the proper scope of your committee's activities. I will answer any questions which this committee puts to me about myself. I will also answer questions about those persons whom I knew to be members of the Communist Party and who I believe still are. I will not, however, answer any questions with respect to others with whom I associated in the past. I do not believe that any law in this country requires me to testify about persons who may in the past have been Communist Party members or otherwise engaged in Communist Party activity but who to my best knowledge and belief have long since removed themselves from the Communist movement.

"I do not believe that such questions are relevant to the work of this committee nor do I believe that this committee has the right to undertake the public exposure of persons because of their past activities. I may be wrong, and the committee may have this power, but until and unless a court of law so holds and directs me to answer, [fol. 190] I most firmly refuse to discuss the political activities of my past associates."

² As to all except Fisher and one other, the Committee's questions were expressly about past Party membership. As to those two persons, the questions were phrased in the present tense. But in view of the earlier testimony of Rumsey and Spencer, who set the dates of appellant's Party affiliation from 1943-46, and appellant's uncontradicted statement that he had ceased cooperation with the Party in 1947, it is plain that the Committee was questioning appellant about the past. He did not refuse to testify about the present. His statement which we proceed to quote shows that when he replied to a question about present membership by standing on the statement, he was in effect denying that he knew the named individual to be a present member of the Party and refusing to answer about past membership.

After testifying that Joseph Stern, one of the men on the Committee's list, had carried on Party activities, he said: "In regard to the other names that you have read, I will not answer, based upon the statement that I read into the record . . ." The Committee directed him to answer. He refused again. The Committee did not question him further.

He was indicted in November 1954 and tried in May 1955. He waived a jury. The government called only one witness, the Committee counsel, who put into the record the transcript of the Committee's examination of Watkins. The court found Watkins guilty, fined him \$500, sentenced him to a year's imprisonment, suspended the sentence, and placed him on probation.

I

The Committee on Un-American Activities is a standing committee of the House of Representatives. The Committee and its subcommittees are authorized by an Act of Congress "to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation." 60 Stat. 812, 823, 828.

A witness before a congressional committee is guilty of a misdemeanor if he "refuses to answer any question pertinent to the question under inquiry . . ." 2 U.S.C. §192, R.S. §102, 52 Stat. 942, as amended. Pertinence is part [fol. 191] of the government's case. In order to convict, the government must plead and prove that the questions the witness would not answer were pertinent to an inquiry Congress had authorized. *Sinclair v. United States*, 279 U.S. 263, 296-297. *Bowers v. United States*, 92 U.S. App. D.C. 79, 80, 202 F. 2d 447, 448; *Keeney v. United States*, 94 U.S. App. D.C. 366, 369, 218 F. 2d 843, 845.

An important preliminary question is whether the authorizing act is to be construed broadly or narrowly for the

purpose of deciding whether the questions Watkins would not answer were pertinent to the inquiry authorized. The Act must be construed narrowly if a narrow construction avoids a serious constitutional question. *United States v. Rumely*, 345 U.S. 41.

If the questions Watkins would not answer were pertinent to the inquiry authorized by the Act, we should have to decide whether they were within the constitutional power of Congress. Like the question in the *Rumely* case, this question is serious, as we shall presently show. It follows that, for the purposes of this case, the Act must be construed narrowly if the questions Watkins refused to answer would otherwise appear pertinent.

"There can be no doubt as to the power of Congress, by itself or through its committees, to investigate matters and conditions relating to contemplated legislation. This power . . . is indeed co extensive with the power to legislate. . . . *It cannot be used to inquire into private affairs unrelated to a valid legislative purpose.* Nor does it extend to an area in which Congress is forbidden to legislate. Similarly, the *power to investigate must not be confused with any of the powers of law enforcement*; those powers are assigned under our Constitution to the Executive and the Judiciary. Still further limitations on the power to investigate are found in the specific individual guarantees of the Bill of Rights, such as the Fifth Amendment's privilege against self-incrimination . . ." *Quinn v. United States*, 349 U.S. 155, 160, 161 (1955). (Emphasis added.)

The only limitation dealt with in the *Quinn* case was the privilege against self-incrimination. The fact that the Supreme Court called attention to other limitations, including the necessity of a "valid legislative purpose", suggests that the Court shares the "wide concern, both in and out of Congress, over some aspects of the exercise of the congressional power of investigation." *United States v. Rumely*, 345 U.S. 41, 44.

It is very questionable whether exposure of individuals to public contempt or hostility is a "valid legislative purpose". Since Congress has "no powers of law enforcement" it would have no power, in the absence of a valid legislative purpose, to expose former Communists, even if

there were a law requiring that former Communists be exposed. If we were obliged to decide what the Committee's purpose was in asking the questions Watkins would not answer, we might be forced to conclude that the Committee asked them for the sole purpose of exposure.

By "exposure" we mean injurious publicity. The fact that Rumsey, at Chicago in March, publicly called Fisher a Communist, does not mean that if Watkins had done so at Washington in April, this new publicity and its repetition in and out of the press would not have been injurious. Obviously the new publicity would have been injurious. As the law of slander and libel recognizes, the fact that a derogatory statement has been made previously does not make it harmless. And the fact that Rumsey had called Fisher a Communist does not show that the Committee sought to serve some other purpose than injurious publicity when it asked Watkins "Do you know Harold Fisher to be a member of the Communist Party?"

[fol. 193]

II

The government argues that the Committee's purpose in asking the questions was to investigate Communist infiltration of labor unions, in order to determine the need for pending legislation to deprive Communist-infiltrated unions of the use of the National Labor Relations Board.³

³ In opening the hearing in Washington at which Watkins testified, on April 29, 1954, the chairman said nothing directly about purpose. He said: "The hearing this morning is a continuation of the hearings which were held in Chicago recently" In opening the Chicago hearings, in March 1954, the chairman said Congress had directed the Committee "to ascertain the extent and success of subversive activities directed against these United States", and mentioned bills of two sorts as pending before the Committee, one of which would make evidence "secured from confidential devices" admissible in "cases involving the national security." Another, he said, "would provide that the Subversive Activities Control Board should, after suitable hearings and procedures, be empowered to find if certain

But several aspects of the Committee's examination of Watkins tend to show that the Committee did not ask these questions for that purpose, or for any purpose except exposure.

(1) The Committee made no attempt to learn from Watkins either the total number of Communists in his union, or what positions Communists held in the union, or whether or how, or how far, or in what direction, they influenced the union. The Committee showed no interest in anything but a list of names. Whether Communist infiltration of unions creates a need for legislation would seem to depend on the number, and the nature, extent, and effectiveness of the activities, of Communists in [fol. 194] unions. Watkins named several people, who apparently had been fellow-members of his union, as having been Communists while he cooperated with the Party. If the Committee had been questioning him for a legislative purpose, it could hardly have failed to question him about what, if anything, these Communist members of the union did.

(2) It is not clear, and the government does not suggest, how the questions Watkins would not answer could have served the purpose the government now attributes to the Committee.

These questions concerned the presence of Communists in a union between 1942 and 1947. Their presence or absence in unions then had little or nothing to do with the question whether, at the time of the Committee hearing in 1954, Communists in unions were so numerous, so active, and so effective as to create problems that called for legislation. This is true partly because of the lapse of time, but chiefly because times had changed and legislation had changed.

Communist affiliation between 1942 and 1947 did not mean what Communist affiliation meant in 1954. "In De-

labor organizations are in fact Communist-controlled action groups. Following this action, such labor groups would not have available the use of the National Labor Relations Board as they now have under the provisions of the Labor-Management Relations Act of 1947."

ember 1941 the United States joined Russia in the war against Germany. President Roosevelt wrote to Admiral Land in January 1942: "I am still terribly disturbed about the fact that an adequate number of ships are not available for Russia. . . . This Government has made a firm pledge to Russia and we simply cannot go back on it." In February 1942 General MacArthur honored the 25th anniversary of the Red Army with a message in which he said: ". . . the hopes of civilization rest upon the worthy banners of the courageous Russian Army. . . ." [fol. 195] Friendly relations between the United States and Russia continued throughout the war and did not cease immediately at the end of the war.

The Labor Management Relations Act, which requires non-Communist affidavits from officers of unions that use the National Labor Relations Board, was not passed until 1947, close to the end of the period to which the Committee's questions relate. Whether the Act is adequate or requires strengthening would seem to depend upon what has happened since, not what had already happened. Likewise the Internal Security Act and the Immigration and Nationality Act, passed in 1950 and 1952, were in effect at the time of the Committee hearing but not at the time to which the Committee's questions relate.⁵

(3) When Watkins refused to answer the Committee's questions, saying he thought their purpose was "public exposure of persons because of their past activities", the Committee was under no obligation to reply. However, the chairman chose to reply. His reply did not suggest that the questions had a legislative purpose related to unions. It did not mention unions. Instead, it claimed for the Committee unlimited authority to question Watkins concerning his knowledge of former Communists. The chairman said: "This committee is set up by the House of Rep-

⁴Quoted in Robert E. Sherwood, ROOSEVELT AND HOPKINS, p. 496, 497 (1948).

⁵64 Stat. 987; 66 Stat. 163. The Communist Control Act of 1954 is not pertinent in this connection, since it was passed in August 1954, after the Committee hearing. 68 Stat. 775.

representatives to investigate subversion and subversive propaganda and to report to the House of Representatives for the purpose of remedial legislation. The House of Representatives has by a very clear majority, a very large majority, directed us to engage in that type of work, and so we do, as a committee of the House of Representatives, have the authority, the jurisdiction, to ask you concerning your activities in the Communist Party, concerning your knowledge of any other persons who are members of the Communist Party or who have been members of the Communist Party, and so, Mr. Watkins, you are directed to answer the question propounded to you by counsel."

(4) The Committee seems to have had in its possession, before it questioned Watkins, the information about other persons which it asked him to supply.^{5a}

(5) The purpose the government attributes to the Committee, and practically any other purpose except exposure, might have been served by questioning Watkins in a closed session. But the Committee questioned him at a public hearing.

III

Words and conduct of the Committee on other occasions go far to confirm the inference that its purpose on this occasion was exposure.

"The Committee and its members have repeatedly said in terms or in effect that its main purpose is to do by exposure and publicity what it believes may not validly be done by legislation."^{5b}

At the trial, the defense offered in evidence "excerpts from House committee reports, House committee hearings, Congressional Record statements and newspapers, going to the point that the House committee asserts an independent power all apart from legislation to expose persons

^{5a} Cf. *Slochower v. Board of Education*, — U.S. —, decided April 9, 1956 (slip opinion p. 7.)

^{5b} Dissenting opinion in *Barsky v. United States*, 83 U.S. App. D.C. 127, 142, 167 F. 2d 241, 256. A footnote quotes many such statements.

to public knowledge." The court excluded these excerpts as evidence, but they are in the record as an offer of proof. They cover some 64 printed pages.⁶ They show beyond [fol. 197] doubt, and it is not disputed, that the Committee on Un-American Activities claims an independent power of exposure and sometimes investigates for the purpose of exposure. We give a few illustrations.

Mr. Dies, the first chairman of the Committee, said during debate in the House on his resolution for the appointment of such a Committee, "I am not in a position to say whether we can legislate effectively in reference to this matter, but I do know that exposure in a democracy of subversive activities is the most effective weapon that we have in our possession."⁷

The Committee said in 1951: "Exposure in a systematic way began with the formation of the House Committee on Un-American Activities, May 26, 1938. . . . The House Committee on Un-American Activities was started on its way May 20, 1938, with instructions from the United States House of Representatives to expose people and organizations attempting to destroy this country. That is still its job, and to that job it sticks."⁸

Mr. Velde, the Chairman of the Committee in the 83d Congress, who presided at the Watkins hearing, said at another hearing: "we feel that we have a duty and that duty has been imposed upon us by Congress not only to report to Congress for the purpose of remedial legislation but to inform the people who elected us about subversive activities. . . ."⁹

⁶ Counsel stipulated that the excerpts from official sources are accurate and that those from newspapers are "true and correct quotations, digests or reports as the case may be of the statements and events reported therein."

⁷ 83 CONG. REC. 7570 (May 26, 1938). Quoted in ROBERT K. CARR, *THE HOUSE COMMITTEE ON UN-AMERICAN ACTIVITIES* (1952) at p. 15.

⁸ *100 Things You Should Know About Communism* (1951), 82d Cong., 1st Sess., House Document No. 136, pp. 19, 67.

⁹ Hearing Before the Committee on Un-American Activities, House of Representatives, 83d Cong., 1st Sess., p. 1106.

Chairman Walter said in 1955: "Unlike most congressional committees, in addition to the legislative function we are required to make the American people aware if [fol. 198] possible of the extent of the infiltration of Communism in all phases of our society." ¹⁰

The Committee has publicized the names of persons identified to it as Communists or former Communists. Its Report for 1952 devotes 54 out of a total of 89 pages to the names and addresses of such persons. Its Report for 1953 devotes 59 out of 193 pages to a similar list.

Though the Committee's Report for 1954, the year of the Watkins hearing, does not contain a list of names, it points to exposure as the Committee's function. It says, *e.g.*, that in 1952 the Committee "reported that during its investigation the identity of over 600 individuals as Communist Party members was obtained. . . . During the committee's investigation, it uncovered members of the Communist Party holding influential positions in the school systems of Detroit and other communities. . . . Most of the teachers called have been suspended or permanently removed from their positions. The Committee on Un-American Activities approves of this action . . ." ¹¹ In a separate pamphlet issued in 1954 the Committee said: "This committee and the special committee have over the past 16 years held hundreds of hearings and issued and distributed throughout the United States hundreds of thousands of reports exposing the operations of the Communist Party and its fronts." ¹²

The District Court ruled that express claims of an independent power of exposure, made without particular reference to the Watkins hearing, do not tend to prove that the Committee's purpose in the Watkins hearing was exposure. In our opinion this was error. Although general propositions do not decide concrete cases, they help to decide them. Intentions tend to result in acts. By claiming that it had the authority and duty to expose,

¹⁰ U.S. News and World Report, August 26, 1955, p. 71.

¹¹ Committee on Un-American Activities, Annual Report for the Year 1954, pp. 14-15, 17.

¹² *This is YOUR House Committee on Un-American Activities*, p. 25.

the Committee implied that it intended to expose.' And as the Fifth Circuit recently said, "of course it may be inferred from a person's statement that he intended to do something, that he later actually did it. *Mutual Life Ins. Co. of New York v. Hillmon*, 145 U.S. 285, 295, 12 S. Ct. 909, 36 L. Ed. 706." *Shurman v. United States*, 219 F. 2d 282, 290, fn. 9 (1955).¹³

IV

In our opinion the questions Watkins refused to answer are not pertinent to the inquiry authorized by the Act, even if the Act is not construed narrowly. If it is construed narrowly, the questions are clearly not pertinent.

The key words of the Act are (i) "extent, character and objects of un-American propaganda activities"; (ii) "diffusion . . . of subversive and un-American propaganda"; [fol. 200] and (iii) "questions in relation thereto that would aid Congress in any necessary remedial legislation." The questions do not relate in any clear or direct way to the extent, the character, the objects, or the diffusion, of any propaganda, subversive and un-American or otherwise. The government has not shown that in asking these questions the Committee was seeking, even indirectly, information about the extent or character or objects or diffusion of propaganda. It has not shown that Watkins, or his union,

¹³ *Morford v. United States*, 85 U.S.App.D.C. 172, 176 F. 2d 54, reversed on other grounds, 339 U.S. 258, is not to the contrary. Morford refused to give the Committee on Un-American Activities the financial records, and the names of the publications committee, of the National Council of American-Soviet Friendship, which had put out "a flood of propaganda . . . of the nature described in the Resolution". Unlike this case, the Committee's questions were clearly pertinent to its authorized investigation and nothing in its examination of the witness suggested that it did not ask the questions for that purpose. The presumption of a legislative purpose, which resulted, "cannot be rebutted by impugning the motives of individual members of the Committee." 85 U.S.App.D.C. at 176, 176 F. 2d at 58. No one's motives are impugned by showing the Committee's concept of its duty.

or the persons about whom the Committee inquired, engaged in propaganda, or that the Committee sought to learn whether they did.

As to clause (iii) of the Act: possibly questions concerning Communist Party membership might be considered "questions in relation" to the "extent, character and objects" or the "diffusion" of propaganda, if the phrase "in relation" were construed very broadly, but these questions certainly cannot be so considered if the phrase is construed narrowly. Moreover, clause (iii) contains the further requirement that the questions "would aid Congress in any necessary remedial legislation". If a mere theoretical chance of very slight aid were to be considered sufficient, possibly it might be thought that the questions "would aid". But that would be a broad construction of those words. Construed narrowly, the words require more than a theoretical chance. The questions Watkins would not answer plainly do not meet this requirement.

"The United States suggests that the presumption of regularity is sufficient without proof. But, without determining whether that presumption is applicable to such a matter, it is enough to say that the stronger presumption of innocence attended the accused at the trial." *Sinclair v. United States*, 279 U.S. 263, 296. We conclude that the government failed to show, either beyond a reasonable doubt or even by a preponderance of the evidence, that the questions Watkins would not answer were pertinent to any investigation the Committee was authorized to make.

Barsky v. United States, 83 U.S. App. D.C. 127, 167 F. 2d 241, is not to the contrary. The court held that, in the circumstances of that case, Congress and the Committee on Un-American Activities had "power to make an inquiry of an individual which may elicit the answer that the witness is a believer in Communism or a member of the Communist Party." 83 U.S. App. D.C. at 136, 167 F. 2d at 250. But the circumstances of that case and of this are very different. (1) As the court pointed out, Barsky and his co-defendants "were not asked to state their political opinions. They were asked to account for funds". 83 U.S. App. D.C. at 136, 167 F. 2d at 244. (2) As the court pointed out, the Congressional Committee had been informed that Barsky's organization, the Joint Anti-Fascist Refugee

Committee, was engaged in "political propaganda". 83 U.S. App. D.C. at 129, 167 F. 2d at 243. It has not been shown that the Congressional Committee had any comparable information in this case. (3) The question Barsky refused to answer related, though indirectly, to his *present* Communist membership. The questions Watkins refused to answer related to Communist membership of other persons at a time long past. To hold, as *Barsky* does, that the Committee may inquire whether members of an organization shown to engage in propaganda are now Communists, does not imply that it may inquire whether members of a union not shown to engage, or to be likely to engage, in propaganda were once Communists.¹⁴

[fols. 202-204] We need not consider appellant's other contentions.

¹⁴ In *Lawson v. United States*, 85 U.S. App. D.C. 167, 176 F. 2d 49, the Committee asked each of two "prominent writers" in the motion picture industry "whether or not he was or had ever been a member of the Communist Party". Though this question included past as well as present membership, neither the briefs nor the opinion of the court show consideration of the fact. The court's ruling, as expressed, is limited to questions regarding *present* membership: "we expressly hold herein that the House Committee on Un-American Activities, or a properly appointed subcommittee thereof, has the *power* to inquire whether a witness subpoenaed by it is or is not a member of the Communist Party or a believer in Communism . . ." The court held that since motion pictures "are, or are capable of being, a potent medium of propaganda dissemination", the question was pertinent. 85 U.S. App. D.C. at 170, 171, 176 F. 2d at 52, 53.

[fol. 205] [File endorsement omitted]

IN UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF
COLUMBIA CIRCUIT, APRIL TERM, 1956

No. 12,797

JOHN T. WATKINS, Appellant,

v.

UNITED STATES OF AMERICA, Appellee

Appeal from the United States District Court for the
District of Columbia

Before Edgerton, Chief Judge, and Prettyman, Wilbur K.
Miller, Bazelon, Fahy, Washington, Danaher and Bas-
tian, Circuit Judges

JUDGMENT—April 23, 1956

This cause came on to be heard on the record from the
United States District Court for the District of Columbia,
and was argued by counsel.

On consideration whereof, It is ordered and adjudged
by this Court that the judgment of the said District Court
appealed from in this cause be, and the same is hereby,
affirmed.

Dated: April 23, 1956.

Per Circuit Judge Bastian.

Separate dissenting opinion by Chief Judge Edgerton,
with whom Circuit Judge Bazelon joins.

Circuit Judge Burger, who took office after the hearing
and consideration of this case, took no part in its decision.

[fol. 206-207] [File endorsement omitted]

IN UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF
COLUMBIA CIRCUIT

[Title omitted]

Before Edgerton, Chief Judge; Prettyman, Wilbur K.
Miller, Bazelon, Fahy, Washington, Danaher, Bastian
and Burger, Circuit Judges, in Chambers

ORDER DENYING REHEARING—May 22, 1956

Upon consideration of appellant's petition for a rehear-
ing in the above case, it is

Ordered by the Court that the aforesaid petition be, and
it is hereby, denied.

Per Curiam.

Circuit Judges Bazelon and Washington did not partici-
pate in the foregoing order.

[fol. 208] Clerk's Certificate to foregoing transcript
omitted in printing.

[fols. 209-210] SUPREME COURT OF THE UNITED STATES

[Title omitted]

ORDER EXTENDING TIME TO FILE PETITION FOR WRIT OF
CERTIORARI—May 31, 1956

Upon consideraiton of the application of counsel for peti-
tioner,

It is ordered that the time for filing petition for writ of
certiorari in the above-entitled cause be, and the same is
hereby, extended to and including July 20th, 1956.

Earl Warren, Chief Justice of the United States.

Dated this 31st day of May, 1956.

[fol. 211] SUPREME COURT OF THE UNITED STATES, OCTOBER
TERM, 1956

[Title omitted]

ORDER ALLOWING CERTIORARI—Filed October 8, 1956

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Mr. Justice Burton took no part in the consideration or decision of this application.

(1972-9)